

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ACADEMY FOR POSITIVE LEARNING,  
INC., a Florida not for profit corporation;  
PALM BEACH MARITIME MUSEUM,  
INC., a Florida not for profit corporation,  
MARLENY OLIVO, an individual, and  
PEDRO OLIVO, an individual,

Case No.: XXXXX

Plaintiffs,

v.

SCHOOL BOARD OF PALM BEACH  
COUNTY, FLORIDA,

Defendant.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs, ACADEMY FOR POSITIVE LEARNING, INC. (“APL”), a Florida not for profit corporation, and PALM BEACH MARITIME MUSEUM, INC., a Florida not for profit corporation d/b/a Palm Beach Maritime Academy (“PBMA”) (collectively “Charter School Plaintiffs”), MARLENY OLIVO, an individual, and PEDRO OLIVO, an individual (collectively “Parent Plaintiffs”), by and through the undersigned counsel, file this Complaint for Declaratory and Injunctive Relief against Defendant, SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA (“Defendant” or “School Board”), and state as follows:

**JURISDICTION AND VENUE**

1. This is an action for declaratory and injunctive relief.
2. At all times material hereto, Charter School Plaintiffs’ principal places of business and Parent Plaintiffs’ residence were and are located within Palm Beach County, Florida.
3. At all times material hereto, Defendant was and is located within Palm Beach County, Florida.

4. Venue is appropriate in this circuit because the causes of action alleged herein accrued in Palm Beach County, Florida.

5. All conditions precedent to this action have been performed, have occurred, or have been waived.

6. All administrative remedies have also been exhausted.

### **GENERAL ALLEGATIONS**

7. Plaintiffs contend that there are no material facts at issue in this case.

#### ***A. Background-Taxing Authority of School Boards.***

8. The Florida Constitution mandates that “[t]he [district] school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed herein.” Art. IX, § 4(b), Cl. 1, Fla. Const.

9. The taxing authority of district school boards is further set forth in Article VII, Section 9(b) of the Florida Constitution, which states:

[S]chool districts . . . shall be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their . . . purposes, except ad valorem taxes on tangible personal property and taxes prohibited by this constitution.

Art. VII, § 9(b), Fla. Const. (emphasis added).

10. Notably, district school boards cannot exercise their taxing power absent an enabling statute. *Id.*; *Fla. Dept. of Educ. v. Glasser*, 622 So. 2d 944, 946-47 (Fla. 1993). The Legislature can also place limitations on and direct how revenues raised from ad valorem taxes can be used. *See* §§ 1011.62, 1011.71, Fla. Stat.

11. Section 1011.71, Florida Statutes, authorizes district school boards to levy a number of ad valorem taxes, some of which are discretionary while others are non-discretionary. These include: i.) a *non-discretionary* ad valorem millage for operational purposes called the

“Required Local Effort” authorized under Section 1011.71(1), Florida Statutes; ii.) a non-voted *discretionary* millage for operational purposes authorized under Section 1011.71(1), Florida Statutes; and iii.). a *discretionary* 1.5 mills ad valorem millage for capital outlay purposes under Section 1011.71(2) Florida Statutes. Relevant to this litigation, Section 1011.71(9), Florida Statutes, also gives school boards the discretion to levy a voted millage for operational purposes, which must be approved by voters through a local referendum. All of these ad valorem millage levies, whether discretionary or non-discretionary, are shared with charter schools.

### ***B. Florida Charter Schools***

12. Public charter schools in Florida are governed by Section 1002.33, Florida Statutes (“Charter Statute”), which “is comprehensive in its treatment of all aspects of the creation, operation, and termination of charter schools.” *School Bd. of Miami-Dade Cnty. v. Survivors Charter Schools, Inc.*, 3 So.3d 1220, 1229 (Fla. 2009). The Florida Legislature made clear in Section 1002.33, Florida Statutes, that “[a]ll charter schools in Florida are public schools.” § 1002.33(1), Fla. Stat.

13. Public charter schools maintain a close relationship with the school district within which they operate, with the district school board serving as the public charter school’s sponsor. § 1002.33(5), Fla. Stat. As the sponsor, a school board is responsible for reviewing an application submitted by a public charter school applicant. § 1002.33(6), Fla. Stat. Once a charter application is approved, the sponsor and public charter school enter into a charter contract that is negotiated between the parties. § 1002.33(7), Fla. Stat.

14. Once a charter contract is executed, the sponsor assumes a supervisory role over the public charter school, ensuring that the school follows the charter contract and all applicable laws. § 1002.33(5), Fla. Stat.

***C. Funding for Florida's Public Charter Schools.***

15. Article IX, Section 1 of the Florida Constitution establishes the State of Florida's commitment to funding K-12 education, as follows:

The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure and high quality system of free public schools that allows students to obtain a high quality education....

Art. IX, § 1(a), Fla. Const.

16. The Charter Statute is clear that “[s]tudents enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district.” § 1002.33(17), Fla. Stat. In short, the Legislature has made clear its intentions that public charter schools be funded the same as traditional public schools.

17. In 1973 the Florida Legislature enacted the Florida Education Finance Program (“FEFP”) and established the state policy on equalized funding to guarantee to each student in the Florida public education system the availability of programs and services appropriate to his or her educational needs that are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors. Ch. 73-345, Laws of Florida (1973); *see also* FLORIDA DEPARTMENT OF EDUCATION, 2017-18 Funding for Florida School Districts (attached hereto as **Exhibit “A”**).

18. The FEFP uses a unit of measurement for each student called a full-time equivalent (“FTE”). One FTE equals one school year of instruction provided to a student. § 1011.62(1)(a), Fla. Stat. School districts and public charter schools are funded through the FEFP based on the number of FTE students that are enrolled within the school district or at the school. § 1011.62,



Fla. Stat.

19. Public charter schools in Florida receive funding from many different sources, which include, *inter alia*: (i) FEFP funds; (ii) federal funds; (iii) Public Educational Capital Outlay (“PECO”) funds; (iv) special allocations, including the Reading Program Allocation, Supplemental Academic Instruction Allocation, ESE Guaranteed Allocation (through the ESE matrix of services), Instructional Materials Allocation, Florida Teachers Classroom Supply Assistance Program Allocation, Student Transportation Allocation, and Digital Classrooms Allocation; (v) Categorical Funding, including the School Board Discretionary Lottery and Class Size Reduction funds; (vi) mandatory local millage levies; (vii) voted discretionary local millage levies; and (viii) non-voted discretionary local millage levies. *See* Ex. A at 1-9; *see also* Art XII, § 9(a)(2), Fla. Const.; §§ 1011.71(1), (2) and (9), 1002.33(17), Fla. Stat. Qualifying public charter schools receive their proportionate share of these funds.

20. Section 1002.33(17)(b) of the Charter Statute establishes the funding formula for Florida’s public charter schools as follows:

The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district’s operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district’s current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school.

21. Section 1002.33(17)(b), Florida Statutes, specifically requires that public charter schools receive their proportionate share of “funds from the school district’s current operating discretionary millage levy.” (emphasis added) The only court to decide whether funds generated from the voted discretionary millage under Section 1011.71(9), Florida Statutes, which is at issue in this case, found that these funds were part of a school board’s “current operating discretionary

millage” and, therefore, must be shared with public charter schools. *See Indian River Charter High School, Inc. v. School Bd. of Indian River Cnty.*, No. 2016-CA-000431 (Fla. 19th Cir. Ct. June 13, 2017).

***D. The Underlying Dispute.***

22. The underlying dispute concerns the fact that the School Board placed before the voters of Palm Beach County an illegal referendum (“2018 Referendum”) to levy 1.00 mills of ad valorem millage for the operational needs of “non-charter District schools,” thereby depriving the Charter School Plaintiffs and the Parent Plaintiffs’ student of their right to receive a proportionate share of these revenues.

23. The 2018 Referendum was approved by the voters of Palm Beach County, Florida, on November 6, 2018.

24. There are nearly 20,000 charter school students in Palm Beach County.

25. Parent Plaintiffs are the parents of a student attending a charter school operated by APL, a Charter School Plaintiff in this case. Parent Plaintiffs’ charter school student will be directly impacted by the 2018 Referendum, in that the student will be at a funding disadvantage when compared to students attending district schools in Palm Beach County. Parent Plaintiffs have a second child who attends a traditional public school run by the School Board. Parent Plaintiffs believe their children should be funded the same regardless of whether they attend a charter school or traditional public school.

26. Charter School Plaintiffs currently operate, and at all relevant times have operated, public charter schools within the School District of Palm Beach County, Florida, by virtue of those certain charter contracts each Plaintiff has individually entered into with the School Board (the “Charter Contracts”).

27. Currently, there are approximately 132 students enrolled at Plaintiff APL's public charter school and 1060 students enrolled at Plaintiff PBMA's two charter schools.

28. Section 18.0 of APL's Charter Contract states as follows:

The Sponsor agrees to fund the Charter School in accordance with Section 1002.33, F.S., as it may from time to time be amended. The current basis of the funding shall be the sum of the Sponsor's operating funds from the Florida Education Finance Program (FEFP) as provided in Section 1011.62, F.S. and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the Sponsor's current operating discretionary millage levy; divided by the total funded weighted full-time equivalent students (WFTE) in the Sponsor's School District; multiplied by the weighted full-time equivalent students for the Charter School.

(Exhibit "B" at p. 24 of 52) (emphasis added).

29. Section IV(A)(1) of PBMA's Charter Contract for its K-8 school similarly states:

Students in the School shall be funded the same as students enrolled in other public schools. The Sponsor agrees to fund the School in accordance with Fla. Stat. § 1002.33 as it may from time-to-time be amended. Funding shall be the sum of district operating funds from the Florida Education Finance Program (FEFP) as provided in Fla. Stat. § 1011.62 and the General Appropriations Act; including gross state and local funds, discretionary lottery funds, and funds from the School District's current operating discretionary millage levy divided by total district funded weighted full-time equivalent (WFTE) students times the weighted full-time equivalent students of the School.

(Exhibit "C" at p. 32 of 67) (emphasis added).

#### ***E. The 2018 Ad Valorem Tax Referendum***

30. In November 2018, the School Board asked the voters of Palm Beach County to approve the following countywide referendum (the "2018 Referendum"):

**REFERENDUM TO APPROVE AD VALOREM LEVY FOR SCHOOL  
SAFETY, TEACHERS AND OPERATIONAL NEEDS**

Shall the School Board of Palm Beach County have authority to levy 1.00 mills of ad valorem millage dedicated for operational needs of non-charter District schools to fund school safety equipment, hire additional school police and mental health professionals, fund arts, music, physical education, career and choice program teachers, and improve teacher pay beginning July 1, 2019 and automatically ending June 30, 2023, with oversight by the independent committee of citizens and experts?

☐ Yes  
☐ No

31. Palm Beach County voters approved the 2018 Referendum. The revenues that will be generated from the approved discretionary 1.00 mills ad valorem tax (“2018 Referendum Revenues”) are estimated to total approximately \$200 million in the first year alone. The bulk of the 2018 Referendum Revenues are intended to be used to increase teacher salaries, while the remainder will be used towards the School Board’s arts teacher program, to hire additional electives teachers, and to hire safe-schools officers and mental health counselors to comply with the requirements of Section 1006.12, Florida Statutes, as amended by the Marjory Stoneman Douglas High School Public Safety Act. Ch. 2018-3, Laws of Fla.

32. It is clear from the language of the 2018 Referendum that the School Board has attempted to exclude public charter school students from benefiting from the discretionary 1.00 mills ad valorem tax authorized by Palm Beach County voters for school operational purposes.

33. As a result of the School Board’s actions, public charter school students will not be funded at the same level as students in traditional public schools.

34. The issue before this Court will be whether the School Board’s action violates Florida law.

35. On June 18, 2018, Plaintiff PBMA, through the undersigned counsel, sent a letter

to Julie Ann Rico, General Counsel for the School Board. In the letter, counsel for PBMA put the School Board on notice that the proposed 2018 Referendum was illegal in that it deprived public charter schools of their right to share in the 2018 Referendum Revenues.

36. Nonetheless, on July 18, 2018, the School Board of Palm Beach County voted 7-0 to exclude public charter schools from sharing in the 2018 Referendum Revenues. Resolution of the School Board of Palm Beach County (July 18, 2018) (attached hereto as **Exhibit “D”**).

37. The Plaintiffs seek through this action a Declaratory Judgment that the School District must share the proceeds of the Referendum *pro rata* with charter school students.

***F. The Statutory Provisions that Authorized the 2018 Referendum Require that the Revenue Generated Thereby be Shared Proportionately with Charter Schools.***

38. All issues regarding funding of public charter schools must begin with a focus on the first sentence in the funding section of the Charter Statute contained in Section 1002.33(17), Florida Statutes (2018), which states “[s]tudents enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district.”

39. If a statute is clear and unambiguous, courts will not look beyond the statute’s plain language to determine the legislative intent. *Daniels v. Florida Dept. of Health*, 898 So. 2d 61 (Fla. 2005). The plain language of the statute regarding the funding of public charter schools is clear and unambiguous in stating that students enrolled in public charter schools shall not be treated inequitably and that they “shall be funded . . . the same as students enrolled in other public schools in the school district.” § 1002.33(17), Fla. Stat.

40. If a court determines that multiple statutes when read together are ambiguous, the doctrine of *pari materia* requires the various statutes be interpreted within their broader statutory context and “be construed together to harmonize the statutes and give effect to the Legislature’s

intent.” *E.A.R. v. State*, 4 So. 3d 614, 629 (Fla. 2009); *School Bd. of Miami-Dade County v. Survivors Charter Schools, Inc.*, 3 So. 3d 1220, 1234 (Fla. 2009) (citing *GTC, Inc. v. Edgar*, 967 So.2d 781, 787 (Fla. 2007)). *E.A.R.*, 4 So. 3d at 629. “The intent of the Legislature is the polestar of statutory construction.” *Id.*

41. The *pari materia* analysis may be important in this Court’s consideration of Section 1011.71, Florida Statutes, which must be considered alongside the Charter Statute so as to give a logical effect to the Legislature’s intentions on how public charter schools should be funded. In doing so, this Court must conclude the proceeds of the 2018 Referendum must be shared with public charter schools to ensure that public charter school students are funded the same as students in traditional public schools, as the Legislature made clear it intended in Section 1002.33(17), Florida Statutes.

42. Moreover, the Florida Attorney General has determined that Section 1002.33, Florida Statutes, requires that charter schools be funded “the same as other schools in the public school system.” Florida Attorney General Advisory Legal Opinion re: Charter Schools, Funding, AGO 2004-67 (Dec. 17, 2004); a true and correct copy of which is attached hereto as **Exhibit “F.”**

43. The term “discretionary” in Section 1011.71(9), Florida Statutes, section means that a school district may choose whether to levy the millage. The term “discretionary” predates the existence of charter schools in 1997 and has nothing whatsoever to do with whether a school district has discretion over whether to share these revenues with charter schools. *See* § 236.25, Fla. Stat. (1996)<sup>1</sup>.

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<sup>1</sup>Section 236.25, Florida Statutes, was recodified as Section 1011.71, Florida Statutes, in 2003. Ch. 2002-387, Laws of Fla.

44. When Sections 1002.33(17) and 1011.71(9), Florida Statutes, are read together, it becomes clear that revenues derived from Section 1011.71(9)'s voted operating discretionary millage must be shared with charter school students to the same extent the revenues are shared with other public school students. To do otherwise would violate Section 1002.33(17), Florida Statutes.

45. In spite of clear legislative intent and constitutional requirements that charter school students be funded the same as other students in the school district, the School Board has acted contrary to the law by placing the 2018 Referendum before voters, which deprives charter schools of their proportionate share of the 2018 Referendum Revenues. *See* § 1002.33(17), Fla. Stat.

46. The 2018 Referendum was put forth to the voters of Palm Beach County pursuant to Section 1011.71(9), Florida Statutes, which gives school boards discretion to ask voters for an additional millage to be used for “school operational purposes.”

47. Section 1011.71(9), Florida Statutes, provides, in pertinent part, as follows:

In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to s. 1011.73. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year....

(emphasis added).

48. In Section 1011.71(9) the Legislature created a millage levy for school districts, such as the Defendant, to share *pro rata* with charter schools, which is:

- a. Current when approved and levied;
- b. Discretionary, in that a school board can choose, in its discretion, whether to levy the millage at all;
- c. Limited to operational purposes.

This millage is specifically included in Section 1002.33(17)(b), Florida Statutes, which provides in pertinent part, “[t]he basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district’s operating funds and funds from the school district’s current operating discretionary millage levy.” (emphasis added)

***G. The Nineteenth Judicial Circuit Decided the Same Issue in Favor of Public Charter Schools in 2017.***

49. In 2016, all charter schools in Indian River County brought suit against the School Board of Indian River County for failing to share an equitable percentage of a 0.60 yearly operational millage voted on by the residents of Indian River County pursuant to Section 1011.71(9), Florida Statutes. Order Granting Plaintiff’s Motion for Summary Judgment for Declaratory Relief, *Indian River Charter High School, Inc. v. School Bd. of Indian River County*., No. 2016-CA-000431 (Fla. 19th Cir. Ct. June 13, 2017) (attached hereto as **Exhibit “E”**). The five charter schools comprised approximately 12% of the total student population of the school district, yet the school board only shared 5% of the operational millage. *Id.* at 2.

50. In 2017, Judge Paul B. Kanarek of the Nineteenth Judicial Circuit for Indian River County entered an order granting the plaintiffs’ motion for summary judgment. *Id.* at 7. Judge Kanarek ruled that the 0.60 voted operational millage levy must be “divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school” and distributed to the charter schools, as described in Section 1002.33(17)(b), Florida Statutes. *Id.* at 6. Judge Kanarek based his decision on the plain language of Section 1002.33(17), Florida Statutes, which “affirmatively states that charter



schools shall be funded from the sum of a school district's operating funds (plural) available in the FEFP as set forth under section 1011.62 and the General Appropriations Act, as well as other sources named in the statute, including 'funds from the school district's current operating discretionary millage levy...'" (emphasis added) *Id.* at 5. It was found immaterial that funds generated from Section 1011.71(9), Florida Statutes, are not included in FEFP. *Id.*

51. As the Indian River School Board unsuccessfully asserted, the Plaintiffs anticipate that the School Board will argue that it has discretion with respect to whether to share the funds generated by the 2018 Referendum with charter schools. However, Section 1011.71(9), Florida Statutes, does not provide the School Board the discretion to decide whether to share with public charter schools funds generated by the 2018 Referendum. *See* § 1011.71(9), Fla. Stat. Section 1002.33(17) of the Florida Statutes explicitly requires that public charter school students be funded the same as students in traditional programs.

52. Additionally, as previously noted, the term "discretionary" in this subsection predates the existence of public charter schools, so it is clear the Legislature did not create the term to give school boards discretion as to whether to share the millage levy; rather, it was always intended to be a source of revenue for public charter schools. Further, Section 1002.33(17)(b), Florida Statutes, does not distinguish between voted and nonvoted discretionary millage levies. The 1.00 mills ad valorem millage authorized by the 2018 Referendum is a discretionary millage levy, in that the School Board had the discretion as to whether to levy the tax in the first place.

53. This tax is no less discretionary simply because the voters must approve it, and it should be contrasted with other taxes that are non-discretionary, such as the Required Local Effort under Section 1011.71(1), Florida Statutes, which school boards are *required* to levy in order to participate in the FEFP. The School Board was not required to place the 2018

Referendum before voters for approval, but chose to do so in an exercise of its discretionary authority under Section 1011.71(9), Florida Statutes. Therefore, Section 1002.33(17)(b), Florida Statutes, requires that the School Board share the 2018 Referendum Revenues with the Charter School Plaintiffs.

54. Further, the when the Legislature intends to give school boards the discretion to share millage revenues, it states so. Prior to 2017, Section 1011.71(2), Florida Statutes, provided school districts with discretion regarding whether to share capital outlay funds with public charter schools. § 1011.71(2), Fla. Stat. (2016) (“In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board.”) (emphasis added).

55. The other school tax provisions, such as Section 1011.71(9), Florida Statutes, were and still are silent on this issue. § 1011.71, Fla. Stat. (2018); § 1011.71, Fla. Stat. (2016). “Under the principle of statutory construction, *expression unius est exclusion alterius*, the mention of one thing implies the exclusion of another.” *Moonlit Waters Apartments, Inc. v. Cauley*, 666 So. 2d 898, 900 (Fla. 1996); *see also, e.g., School Bd. of Escambia County v. State*, 353 So. 2d 834, 839 (Fla. 1977). It, therefore, can be concluded that such other school tax provisions must be shared with the students attending public charter schools. The Legislature decided not to include language making the sharing of those taxes with public charter schools discretionary while mandating in 1002.33(17) that students in a charter school be funded the same as a student in a school district school.

56. Put simply, the money is required to follow the children, regardless of whether they attend public charter schools. Therefore, as the *Indian River Charter High School, Inc.* case

illustrates, school boards are required to share with public charter schools discretionary operating funds that were derived from Section 1011.71(9), Florida Statutes.

57. Based on the foregoing, the Court must find that the Plaintiffs have been treated inequitably by the School Board and that the Charter School Plaintiffs are entitled to receive their proportionate share of the 2018 Referendum funds.

58. In the alternative, the Court should declare the 2018 Referendum to be illegal and void.

**COUNT I**  
**(Action for Declaratory Relief in Favor of Plaintiffs)**

59. Plaintiffs reallege and incorporate the allegations set forth in paragraphs 1 through 58 above as if set forth herein in full.

60. This is an action for declaratory relief and for supplemental legal and equitable relief pursuant to Chapter 86, Florida Statutes.

61. There are no material facts at issue in this case in that the 2018 Referendum language is clear and the enabling statutes for the 2018 Referendum are not in dispute.

62. There is a bona fide, actual, present practical need for a declaration by this Court. The School Board, by way of its 7-0 vote and the plain language of the 2018 Referendum, has stated it will not share the 2018 Referendum Revenues *pro rata* with Palm Beach County's 20,000 charter school students.

63. The declaration deals with a present, ascertained, or ascertainable state of facts. Beginning in 2019, certain taxpayers in Palm Beach County will receive tax assessments of 1.00 mil on property they may own. These monies will be collected and given to the School Board.

64. Thereby, the adverse legal interests of the parties are of sufficient immediacy and

materiality regarding entitlement to a *pro rata* share to the tax proceeds to warrant a declaratory judgment from this Court.

65. This relief is not advisory in nature.

66. This Court should find, like in the *Indian River* case, that the School Board declaration that it will not share the 2018 Referendum Revenues *pro rata* illegal.

WHEREFORE, Plaintiffs request that the Court enter a declaratory judgment providing that:

- i. Defendant is required under Florida law, the Florida Constitution, and the Charter Contracts to share the 2018 Referendum Revenues with Charter School Plaintiffs on a *pro rata* basis;
- ii. Alternatively, the 2018 Referendum is illegal and therefore void;
- iii. Any further relief that is just and appropriate under the circumstances.

**COUNT II**  
**(Action for Injunctive Relief in Favor of Plaintiffs)**

67. Plaintiffs reallege and incorporate the allegations set forth in paragraphs 1 through 58 above as if set forth herein in full.

68. There are no material facts at issue in this case in that the 2018 Referendum language is clear and the enabling statutes for the 2018 Referendum are not in dispute.

69. This is an action for a permanent injunction against the School Board to enjoin the School Board from not providing Charter School Plaintiffs with their proportional share of the 2018 Referendum Revenues.

70. Each year that a public charter school is inequitably funded is the lost opportunity for a public charter school student to receive appropriate educational opportunities and services. In short, a child gets one chance to receive an education. In this regard, the damage suffered by

current charter school students at Charter School Plaintiffs' charter schools is irreparable.

71. It is anticipated the funding to the charter schools in Palm Beach County would begin in July, 2019 if the Plaintiffs prevail in this matter.

72. The School Board's actions in withholding from Charter School Plaintiffs their proportional share of the 2018 Referendum Revenues would interfere with each Plaintiff's ability to fund its statutorily mandated duties, as provided in the Florida Education Code.

73. Such duties include, *inter alia*, the following:

- (i) Improve student learning and academic achievement. § 1002.33(2)(b)(1), Fla. Stat.;
- (ii) Increase learning opportunities for all students, with special emphasis on low-performing students and reading. § 1002.33(2)(b)(2), Fla. Stat.;
- (iii) Encourage the use of innovative learning methods. § 1002.33(2)(b)(3), Fla. Stat.;
- (iv) Create new professional opportunities for teachers. § 1002.33(2)(c)(5), Fla. Stat.;
- (v) Provide parents and pupils with expanded choices in the types of education opportunities that are available within the public school system. § 1002.33(2)(a)(1), Fla. Stat.; and
- (vi) Provide rigorous competition within the public school district to stimulate continual improvement in all public schools. § 1002.33(2)(c)(2), Fla. Stat.

74. In particular, the inequitable funding of Charter School Plaintiffs costs students—like the charter school student of the Parent Plaintiffs in this case—lost learning opportunities due to, *inter alia*, high teacher turnover and difficulty recruiting new teachers because of low teacher salaries and benefits. Plaintiffs and the Defendant likely agree that teachers are underpaid.

75. However, Charter School Plaintiffs will be unable to offer teacher salaries that are competitive with those offered by the School Board. Both Charter School Plaintiffs report that

their teachers are planning to move to School Board schools in order to receive an increase in pay.

76. The School Board's ability to offer enhanced salaries and benefits to Palm Beach County teachers will stem in part from the fact it retains, for its own use and benefit, each Charter School Plaintiff's proportional share of the 2018 Referendum proceeds. In this regard, the School Board is working a substantial injustice on the students attending each public charter school operated by the Charter School Plaintiffs.

77. Proper funding and continuity of teaching staff would, in all likelihood, result in an enhanced academic experience for the students.

78. The lost opportunity in this regard cannot be made up by the student once he or she matriculates to a higher grade. The injury to the students at each of the Plaintiff charter schools is therefore irreparable.

79. Further, the students attending the public charter schools operated by each of the Charter School Plaintiffs are victims of the School Board breaking the law by not funding public charter school students equally with the respect to other students in the District. Irreparable harm is presumed when a defendant violates the law. *Ware v. Polk County*, 918 So. 2d 977, 979-80 (Fla. 2d DCA 2006). Therefore, Plaintiffs have shown that they will be irreparably harmed in this instance if an injunction is not entered.

80. Plaintiffs have a substantial likelihood of success on the merits.

81. Plaintiffs have a clear right to the relief sought.

82. A permanent injunction serves the public purpose in that it will ensure that students at public charter schools are funded the same as students attending School Board-run schools, as required by Art. 9 § 1(a), Fla. Const. and Fla. Stat. §§ 1002.33(1) & (17).

83. If an injunction is granted, the School Board will suffer no hardship.

WHEREFORE, Plaintiffs request that the Court enter an Order: (i) enjoining the School Board from denying Charter School Plaintiffs their proportionate share of the 2018 Referendum Revenues, as this would result in inequitable treatment of Charter School Plaintiffs as public charter schools and the students attending those charter schools when compared to other public schools in violation of Art. 9 § 1(a), Fla. Const. and Fla. Stat. §§ 1002.33(1) & (17); and (ii) granting any further relief that is just and appropriate under the circumstances.

Respectfully submitted this 10th day of January, 2019.

By: /s/ Shawn A. Arnold  
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## **EXHIBIT A**

### **Funding for Florida School Districts**



**2017-18**

**FUNDING FOR FLORIDA SCHOOL**

**DISTRICTS**



The Funding for Florida School Districts publication details the state program for financing public schools in Florida. The report was prepared by the Office of Funding and Financial Reporting in the Bureau of School Business Services, Florida Department of Education. For additional information, call 850-245-0405.

Users of this report are encouraged to reproduce this document for their own use. This report is available at <http://www.fldoe.org/fefp>.

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## OVERVIEW OF SCHOOL DISTRICT FUNDING

Article IX, section 1 of the Florida Constitution establishes the State of Florida's commitment to funding grades K-12 education, as follows: "The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure and high quality system of free public schools that allows students to obtain a high quality education..."

In 1973 the Florida Legislature enacted the Florida Education Finance Program (FEFP) and established the state policy on equalized funding to guarantee to each student in the Florida public education system the availability of programs and services appropriate to his or her educational needs that are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors.

To equalize educational opportunities, the FEFP formula recognizes: (1) varying local property tax bases; (2) varying education program costs; (3) varying costs of living; and (4) varying costs for equivalent educational programs due to sparsity and dispersion of the student population.

The FEFP is the primary mechanism for funding the operating costs of Florida school districts. As noted herein, there are other sources of funding; however, the FEFP is the foundation for financing Florida's K-12 educational programs. A key feature of the FEFP is that it bases financial support for education upon the individual student participating in a particular educational program rather than upon the number of teachers or classrooms. FEFP funds are primarily generated by multiplying the number of full-time equivalent (FTE) students in each of the funded education programs by cost factors to obtain weighted FTE students. Weighted FTE students are then multiplied by a base student allocation and by a district cost differential to determine the base funding from state and local FEFP funds. Program cost factors are determined by the Florida Legislature and represent relative cost differences among the FEFP programs. In addition to the base funding allocation, two major allocations within the FEFP are the Supplemental Academic Instruction Allocation and Exceptional Student Education (ESE) Guaranteed Allocation, which are explained on pages 18 and 19.

Scholarship payments for education are available pursuant to the provisions of three programs.

- (1) McKay Scholarships for Students with Disabilities Program – This program provides parents of students with disabilities the option to enroll their children in another public school within or adjacent to their home district or to apply for a scholarship to attend a participating private school. Participants must have been reported for funding in a school district during the prior October and February FTE surveys in order to be eligible.

Scholarship amounts are based on the lesser of the amount the student would have generated for district funding or the amount of applicable private school fees.

- (2) Gardiner Scholarship Program – The Gardiner Scholarship Program is designed to provide the option for a parent to better meet the individual educational needs of his or her child with a disability. The scholarship provides eligible students funds that can be used to purchase approved services or products, including tuition or fees associated with enrollment in an eligible private school, eligible postsecondary educational institution, a private tutoring program, a virtual program offered by a private online provider approved by the Florida Department of Education (department), the Florida Virtual School (FLVS) as a private paying student or an approved online course. Attending a public school in the prior-year is not a requirement to receive a Gardiner Scholarship.
- (3) Florida Tax Credit Scholarship Program – These scholarships are funded directly by private voluntary contributions to nonprofit scholarship-funding organizations for students who qualify for free or reduced-price school lunches under the National School Lunch Act and students in foster care. In accordance with section 1002.395, Florida Statutes (F.S.), up to \$699 million in tax credits for

participating corporations is authorized for 2017-18. In order to be eligible for Florida Tax Credit Scholarships, a student must have been reported for funding in a school district during the prior October and February surveys or received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

**Source of Funds for School Districts** – The following paragraphs provide background information regarding financial support for grades K-12 education in Florida. School districts in 2015-16 received 40.39 percent of their financial support from state sources, 48.00 percent from local sources (including the Required Local Effort portion of the FEFP) and 11.61 percent from federal sources.

**State Support** – Funds for state support to school districts are provided primarily by legislative appropriations. The major portion of state support is distributed through the FEFP. State funds appropriated to finance the 2017-18 FEFP total \$8,440,944,134. Included in this total is \$7,965,949,554 from the General Revenue Fund, \$404,555,678 from the Educational Enhancement Trust Fund and \$70,438,902 from the State School Trust Fund. Although taxes from a number of sources are deposited in the General Revenue Fund, the predominant tax source is the 6 percent sales tax on goods and services. In addition to these funds, \$3,097,734,706 is provided in the class size reduction allocation for operations. Included in this amount is \$2,907,797,252 from the General Revenue Fund, \$103,776,356 from the Educational Enhancement Trust Fund and \$86,161,098 from the State School Trust Fund.

The Florida Legislature established the Education Enhancement Trust Fund, which includes the net proceeds of the Florida Lottery and the tax proceeds on slot machines in Broward and Miami-Dade counties. The amount of \$134,582,877 was appropriated from the Educational Enhancement Trust Fund for the District Lottery and School Recognition Program. Lottery proceeds were also used to fund the \$170,305,246 appropriation that provides the cash and debt service requirements for the Classrooms First and 1997 School Capital Outlay Bond Program, \$143,845,811 for debt service for the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program and \$74,906,943 for school district workforce education, as defined in section 1004.02(25), F.S.

Article IX, section 1 of the Florida Constitution establishes a limit of 18 students in prekindergarten through grade 3 classrooms, 22 students in grades 4-8 classrooms and 25 students in grades 9-12 classrooms. The Class Size Reduction categorical was established to fund this requirement exclusively from state funds.

The Florida Constitution authorizes certain revenues to be used by the school districts for capital outlay purposes. Article XII, section 9(d) of the Florida Constitution guarantees a stated amount for each district annually from proceeds of licensing motor vehicles, referred to as Capital Outlay and Debt Service or CO&DS funds. Additionally, Article XII, section 9(a)(2) of the Florida Constitution provides that school districts may share in the proceeds from gross receipts taxes, referred to as Public Education Capital Outlay (PECO) funds, as provided by legislative appropriation.

Minor state funding sources include the “race track funds,” which are collected by the Florida Department of Revenue and divided equally among Florida counties, in accordance with Article VII, section 7 of the Florida Constitution. The allocation of these funds is to the counties, which may share the funds with school districts. Other funding sources are tax receipts from state forests, provided to certain school boards in accordance with section 589.08, F.S., and proceeds from mobile home licenses, which are deposited into the License Tax Collection Trust Fund and distributed to local governments pursuant to section 320.081, F.S.

**Local Support** – Local revenue for school support is derived almost entirely from property taxes levied by Florida’s 67 counties, each of which constitutes a school district.

Each school board participating in the state allocation of funds for the current operation of schools must levy the millage set for its required local effort from property taxes. The Florida Legislature set the amount of \$7,603,850,013 as adjusted required local effort for 2017-18. Each district’s share of the state total required local effort is determined by a statutory procedure that is initiated by certification of the property tax valuations

of each district by the Florida Department of Revenue. This certification occurs no later than two working days prior to July 19. No later than July 19, the Florida Commissioner of Education (commissioner) certifies each district's required local effort millage rate. These rates are primarily determined by dividing the dollar amount of required local effort by 96 percent of the aggregated taxable value for school purposes of all districts. Certifications vary due to the use of assessment ratios designed to equalize the effect on the FEFP of differing levels of property appraisal in the counties. Millage rates are also adjusted because required local effort may not exceed 90 percent of a district's total FEFP entitlement.

Based on the 2017 tax roll provided by the Florida Department of Revenue, the commissioner certified the required millage of each district on July 13, 2017. The state average millage was set at 4.308 and certifications for the 67 school districts varied from 4.501 mills (Osceola) to 1.608 mills (Monroe) due to the assessment ratio adjustment and the 90 percent limitation. The 90 percent limitation reduced the required local effort of six districts. The districts and their adjusted millage rates were: Collier (2.892), Franklin (3.609), Monroe (1.608), Sarasota (3.961), Sumter (3.485) and Walton (2.456).

In accordance with section 1011.62(4)(e), F.S., the department is required to calculate the Prior Period Funding Adjustment Millage (PPFAM), which is levied by a school district if, in a prior year, the full amount of required local effort funds were not collected due to changes in property values, or if a prior year's final taxable value has not been certified for the 2017 tax levy. The commissioner calculates the amount of the unrealized required local effort funds from the prior period and the millage required to generate that amount. This levy is in addition to the required local effort millage certified by the commissioner, but does not affect the calculation of the current year's required local effort. The funds generated by this levy are not included in the district's FEFP allocation.

School boards may set discretionary tax levies of the following types:

- (1) Current operation – The Florida Legislature set the maximum discretionary current operating millage for 2017-18 at 0.748 mills, pursuant to section 1011.71(1), F.S. If the revenue from 1.5 mills is insufficient to meet the payments due under a lease-purchase agreement entered into before June 30, 2009, by a district school board or to meet other critical district fixed capital outlay needs, the board may levy an additional 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations, pursuant to section 1011.71(3), F.S.
- (2) Capital outlay and maintenance – School boards may levy up to 1.5 mills as prescribed in section 1011.71(2), F.S., and are required to share a portion of the levy with eligible charter schools in accordance with section 1013.62(3), F.S., for expenditures identified in section 1013.62(4), F.S.

Eligible charter schools will receive 1.5 mill capital outlay funding based on the per student value of 1.5 mills for the entire district. Charter schools serving 75 percent or more free or reduced-price school lunch students or 25 percent or more students with disabilities are eligible for additional capital outlay funds pursuant to section 1013.62(2)(b), F.S. Charter school funds will be received through the state-funded Charter School Capital Outlay Allocation and remaining funds will be provided from the district's 1.5 mills revenue.

Section 1011.71(2)(a)-(k), F.S., authorizes school boards to expend the funds raised by the 1.5-mill capital outlay levy for the following:

- **The educational plant** – Costs of construction, renovation, remodeling, maintenance and repair of the educational plant. This also includes the maintenance, renovation and repair of leased facilities to correct deficiencies.
- **Expenditures that are directly related to the delivery of student instruction** – Purchase, lease or lease-purchase of equipment, educational plants and construction materials directly related to the delivery of student instruction.

- **Conversion of space** – Rental or lease of existing buildings or space within existing buildings, originally constructed or used for purposes other than education, for conversion to use as educational facilities.
- **A new school's library media center collection** – Opening day collection for the library media center of a new school.
- **School buses** – Purchase, lease-purchase or lease of school buses or the payment to a private entity to offset the cost of school buses.
- **Servicing of payments related to lease-purchase agreements** – Servicing of payments related to lease-purchase agreements issued for any purpose under authority of prior enactments of this law. Costs associated with the lease-purchase of equipment, educational plants and school buses may include the issuance of certificates of participation and the servicing of payments related to such certificates. Only three-fourths of the proceeds from this millage can be obligated to lease-purchase agreements, unless the lease-purchase agreements were entered into before June 30, 2009.
- **Equipment, computers, enterprise resource software** – Purchase or lease of new and replacement equipment: enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least five years and are used to support district-wide administration or state-mandated reporting requirements; computer hardware, including electronic hardware and other hardware devices necessary for gaining access to or enhancing the use of electronic content and resources or to facilitate the access to and the use of a school district's digital classroom plan pursuant to section 1011.62, F.S.

In addition, section 1011.71(5), F.S., authorizes school boards to expend up to \$100 per unweighted FTE student from revenue generated by the 1.5 mill capital outlay millage levy for:

- (a) The purchase, lease-purchase or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- (b) Payment of the cost of premiums, as defined in section 627.403, F.S., for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in section 624.605(1)(d), (f), (g), (h) and (m). This means that casualty insurance may only be for burglary and theft, glass, boiler and machinery, leakage and fire extinguishing equipment and elevators. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Violation of these expenditure provisions will result in an equal dollar reduction of FEFP funds in the year following an audit citation.

Pursuant to section 1011.71(3), F.S., if revenue from the 1.5 mill levy is insufficient to make payments due under a lease-purchase agreement entered into prior to June 30, 2009, by a district school board, an amount up to 0.25 mills of the taxable value for school purposes within the school district shall be legally available for such payments, notwithstanding other restrictions on the use of such revenues imposed by law. This additional levy must be made in lieu of levying an equivalent amount of the 0.748 discretionary operating millage for operations authorized in section 1011.71(1), F.S.

In addition to levies established by the school board, qualified electors may vote an additional millage levy for operations and/or capital outlay purposes for a period not to exceed two years, pursuant to Article VII, section 9 of the Florida Constitution and section 1011.73(1), F.S.

Sections 1011.71(9) and 1011.73(2), F.S., provide for an additional levy, not to exceed four years, for operational purposes to be authorized by the electorate through a local referendum or in conjunction with a general election. This voted levy and the levies established by the school board must not exceed 10 mills in total. This levy is distinguished from the constitutional authority for voted millage noted in the previous paragraph because it is for operations only, may be approved for up to four years instead of two years, and is included in the 10-mill limit established by the state constitution.

School districts are authorized to sell bonds for capital outlay projects to be repaid from local property taxes. The authority for the issuance of the bonds and the repayment from local property taxes is Article VII, section 12 of the Florida Constitution, section 200.001(3)(e), F.S., and sections 1010.40 through 1010.55, F.S.

Budgeted revenues from local taxes are determined by applying millage levies to 96 percent of the school taxable value of property. School board adoption of millage levies is governed by the advertising and public meeting requirements of chapter 200, F.S. (Determination of Millage).

### **SCHEDULE OF MILLAGES**

<b>Type of Millage</b>	<b>Statutory Authority</b>	<b>Established By</b>	<b>Uses</b>
Required Local Effort	Section 1011.62(4), F.S.	Commissioner	Operating
Prior Period Funding Adjustment	Section 1011.62(4)(e), F.S.	Commissioner	Operating
Current Operating Discretionary – Maximum 0.748 Mills	Section 1011.71(1), F.S.	School Board	Operating
Local Capital Improvement – Maximum 1.50 Mills	Section 1011.71(2), F.S.	School Board	Capital improvements
Capital Improvement Discretionary – Maximum 0.25 Mills	Section 1011.71(3), F.S.	School Board	Lease-purchase payments or to meet other critical fixed capital outlay needs in lieu of operating discretionary millage
Operating or Capital (Not to Exceed Two Years)	Section 1011.73(1), F.S.	Voter Referendum	Not specified
Additional Millage (Not to Exceed Four Years)	Section 1011.73(2), F.S.	Voter Referendum	Not specified
Debt Service	Section 200.001(3)(e), F.S.; Article VII, section 12 of the Florida Constitution	Voter Referendum	Debt service

School boards are authorized under section 212.055(6), F.S., to levy a sales surtax of up to 0.5 percent for capital outlay purposes if approval is obtained by referendum. This surtax may take effect on the first day of any month, but may not take effect until at least 60 days after the date of approval by the electors. The resolution providing for imposition of the surtax shall set forth a plan for use of the proceeds for fixed capital expenditures



or fixed capital costs associated with the construction, reconstruction or improvement of school facilities and campuses that have a useful life expectancy of five or more years. The plan shall address any land acquisition, land improvement, design and related engineering costs. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district.

Surtax revenues may be used for the purpose of servicing bond indebtedness to finance authorized projects and any interest that accrues thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenditures. The Florida Department of Revenue distributes the surtax revenue to the school board imposing the tax.

The governing authority in each county is authorized under section 212.055(2), F.S., to levy a discretionary sales surtax of 0.5 percent or 1 percent, if approval is obtained by referendum. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax. The surtax may not be levied for more than 15 years. The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district to finance, plan and construct infrastructure.

Developmental research schools (lab schools) at state universities are classified for funding as special school districts, as is the FLVS. Because these special districts have no taxing authority, the state provides the same dollar amount per student for the 0.748 discretionary operating millage revenues as is generated for district students by the tax base of the district where the school is located. For 2017-18, the contribution for the discretionary operating millage is \$18,630,101 (2017-18 FEFP Second Calculation). There is no required local effort for special school districts; therefore, special districts are funded entirely with state funds.

**Federal Support** – The Florida State Board of Education may approve plans for cooperating with the federal government in carrying out any phase of the education program and must provide for the proper administration of funds apportioned to the state from federal appropriations. The commissioner recommends policies for administering funds appropriated from federal sources to the state for any education purpose and provides for the execution of plans and policies.

School districts receive funds from the federal government directly and through the state as an administering agency. School districts may receive federal funds from various agencies such as the Department of Labor, Veterans Administration, Department of Interior, Department of Education, Department of Defense and Department of Agriculture.

Federal funding also supports the Every Student Succeeds program, which establishes accountability measures for public schools to ensure that students in all schools are reaching proficiency in reading and math (replaced No Child Left Behind program effective for the 2017-18 school year); Individuals with Disabilities Education Act programs, which support education services for students with physical and mental challenges; Workforce Investment Act entitlement programs (for detail regarding Workforce Development Education programs, see page 27); and Carl D. Perkins Career and Technical Education Act programs, which improve the quality of career and technical education in Florida.

Federal funds are typically used to supplement state and local funds authorized by the Florida Legislature to support various education programs.

## **FLORIDA EDUCATION FINANCE PROGRAM (FEFP)**

**LEGAL AUTHORIZATION** Part II of chapter 1011, F.S.; chapter 2017-70, Laws of Florida (L.O.F.) (2017-18 General Appropriations Act); chapter 2017-234, L.O.F.; chapter 2017-71, L.O.F.

**2017-18 FEFP APPROPRIATION** \$11,673,261,717

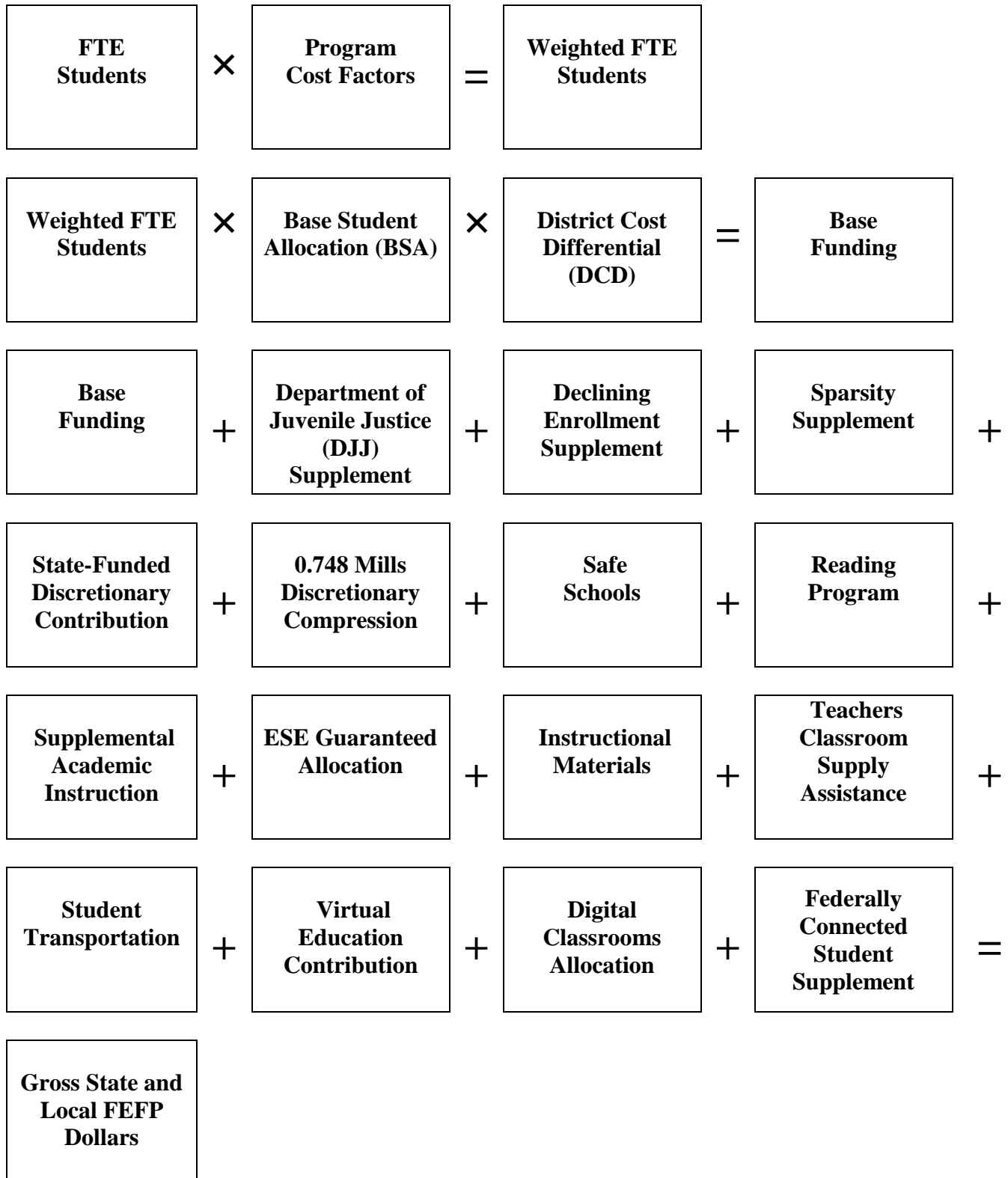
### **REQUIREMENTS FOR PARTICIPATION**

Each district participating in the state appropriations for the FEFP must provide evidence of its effort to maintain an adequate school program throughout the district and must meet at least the requirements cited below:

- (1) Maintain adequate and accurate records, including a system of internal accounts for individual schools and file with the department, in correct and proper form, on or before the date due, each annual or periodic report that is required by the Florida Administrative Code.
- (2) Operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis. Upon written application, the Florida State Board of Education may prescribe procedures for altering this requirement.
- (3) Provide written contracts for all instructional personnel.
- (4) Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with Florida Statutes and the Florida Administrative Code.
- (5) Observe all requirements of the Florida State Board of Education relating to the preparation, adoption and execution of budgets for the district school system.
- (6) Levy the required local effort millage rate on the taxable value for school purposes of the district (see page 20 for a description of Required Local Effort).
- (7) Maintain an ongoing, systematic evaluation of the education program needs of the district and develop a comprehensive annual and long-range plan for meeting those needs.

## **DISTRIBUTING STATE DOLLARS**

**Overview** – The amount of Gross State and Local FEFP Dollars for each school district is determined in the following manner:



The Net State FEFP Allocation for the support of school district education activities is derived from Gross State and Local FEFP dollars in the following manner:

$$\boxed{\begin{array}{c} \text{Gross State and} \\ \text{Local FEFP} \end{array}} - \boxed{\begin{array}{c} \text{Required} \\ \text{Local} \\ \text{Effort} \end{array}} = \boxed{\begin{array}{c} \text{Gross State} \\ \text{FEFP} \end{array}}$$

$$\boxed{\begin{array}{c} \text{Gross State} \\ \text{FEFP} \end{array}} + \boxed{\begin{array}{c} \text{Adjustments} \end{array}} = \boxed{\begin{array}{c} \text{Net State} \\ \text{FEFP} \\ \text{Allocation} \end{array}}$$

The Gross State and Local FEFP dollars, less the Required Local Effort, result in the Gross State FEFP dollars. Adjustments, whether positive or negative, are then added to obtain the Net State FEFP Allocation.

The Total State Allocation for the support of school district education activities is derived from the Net State FEFP Allocation in the following manner:

$$\boxed{\begin{array}{c} \text{Net State} \\ \text{FEFP} \\ \text{Allocation} \end{array}} + \boxed{\begin{array}{c} \text{Categorical} \\ \text{Program} \\ \text{Funds} \end{array}} = \boxed{\begin{array}{c} \text{Total} \\ \text{State} \\ \text{Funding} \end{array}}$$

Categorical program funds, which include Florida School Recognition, District Discretionary Lottery and Class Size Reduction funds, and any special allocations are added to the Net State FEFP Allocation to obtain the Total State Funding.

The following sections describe each component of the funding formula.

The last section of this document presents the 2017-18 FEFP Second Calculation Funding Summary as an example of the FEFP calculation.

### **FTE Students**

An FTE student for FEFP funding purposes is one student in membership in one or more FEFP programs for a school year or its equivalent. The time equivalent for a school year is listed below by grade group.

- (1) Standard school
  - (a) Student in grades 4 through 12 – 900 hours of instruction
  - (b) Student in kindergarten through grade 3 or in an authorized prekindergarten Exceptional Student Education (ESE) program – 720 hours of instruction

Funding for FTE membership in programs scheduled beyond the regular 180-day term is limited as described later in this section.

For purposes of calculating the FTE student membership, a student is considered in membership until he or she withdraws or until the eleventh consecutive school day of his or her absence. A student is eligible for FTE student membership reporting if both of the following conditions are satisfied:

- (1) The student is in program membership at least one day during the survey period in an approved course of study as defined in the Course Code Directory, excluding non-instructional activities as defined in the Florida Administrative Code; and
- (2) The student is in attendance at least one day during the survey period or one of the six scheduled meetings preceding the survey period when students were in attendance in school.

Note: For year-round schools, if the student's track is out of school during survey week, the last week the track was in session becomes survey week.

The FTE generated by a student for the purposes of FEFP funding is limited to 1.0 FTE during the 180-day school year. For information on how to report FTE for students in all programs, please see the 2017-18 FTE General Instructions manual available at <http://www.fldoe.org/fefp> under "FTE Information."

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course earning credit toward completion of high school and a career certificate, or toward an associate or baccalaureate degree (section 1007.271, F.S.). Dual enrollment courses may be taught at Florida public secondary or postsecondary schools, or eligible Florida private secondary or postsecondary schools. Credit must be earned at both institutions. The course must offer credit leading to a high school diploma and a career certificate or an associate or baccalaureate degree. Career education dual enrollment is available for secondary students seeking a degree or certificate from a complete job preparatory program, but is not intended to sustain student enrollment in isolated career courses. Early admission is a form of dual enrollment through which eligible secondary students enroll in an eligible postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. Participation in the early admission program is limited to students who have completed a minimum of six semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Dual enrollment students earn the Grades 9-12 Basic Cost Factor at the home school while dually enrolled elsewhere. Each of these forms of dual enrollment is included in the calculation of FTE students.

Section 1007.271(21)(n), F.S., requires school districts to pay public postsecondary institutions the standard tuition rate per credit hour when dual enrollment course instruction takes place on a postsecondary institution's campus and the course is taken during the fall or spring term. When dual enrollment course instruction is provided at a high school site by postsecondary institution faculty, school districts must reimburse postsecondary institutions the proportion of salary and benefits used to provide the instruction.

School districts are not responsible for any costs to postsecondary institutions for dual enrollment courses that are offered by postsecondary institutions but provided on high school sites by school district faculty.

Students in grades K-12 who are enrolled for more than six semesters in exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans and practical arts courses as defined in section 1003.01(4)(a), F.S., shall not be counted as FTE students for this instruction. Students in grades 6-8 who are enrolled in career education courses shall be counted as Basic Grades 6-8. Only students in grades 9-12 who are enrolled in career education courses are reported in Program 300, Career Education.

Rule 6A-1.0451(4), Florida Administrative Code (F.A.C.), provides that, during the year, at least four FTE student membership surveys be conducted under the administrative direction of, and on the schedule provided by, the commissioner. In addition to the four surveys, Survey 5 collects end-of-year student academic data. Section 1011.62(1)(a), F.S., specifies that the number of FTE student membership surveys shall not exceed nine in a fiscal year. The commissioner has established four FTE student enrollment surveys for the 2017-18 school year and these surveys are scheduled for July 10-14, 2017; October 9-13, 2017; February 5-9, 2018; and June 11-15, 2018.

The commissioner has the authority to establish for any school district or school an alternate period for an FTE student membership survey within nine weeks subsequent to the regular statewide survey period. Evidence must be submitted by the school district indicating that an abnormal fluctuation in student membership may occur at the time of the statewide survey period to warrant an alternate survey period. The commissioner must limit consideration of “abnormal fluctuation” to changes of more than 25 percent in any school or 5 percent in any district between the FTE student membership at the time of the regular statewide survey and the alternate survey period. The “abnormal fluctuation” must be caused by factors such as major student boycotts; civil disturbances; in- or out-migration in agricultural, industrial or federal installations or contractors; or providential causes beyond the control of the district school board. Consistent with the rule 6A-1.0451, F.A.C., district school boards are required to request alternate FTE surveys for DJJ programs experiencing fluctuations in student enrollment. Any request for an alternate survey period must be made prior to the original survey period.

Classification for special program FTE requires: (1) proper qualification of students, (2) proper qualification of teachers and (3) appropriate subject matter in accordance with the Florida Administrative Code.

### **FTE Recalibration and the Common Student Identifier**

All FTE student enrollment is capped at 1.0 FTE per student for the year except FTE reported by DJJ students beyond the 180-day school year. School districts report all FTE student enrollment and the department combines all FTE student enrollment reported for the student by all school districts, including the FLVS. The department then recalibrates all reported FTE student enrollment for each student to 1.0 FTE if the total reported FTE exceeds 1.0.

When a student is served by multiple school districts or moves from one district to another, that student should retain the same student identifier in every school district.

The process for calculating FTE within a single survey has the following provisions:

1. If a student identifier is reported by more than one school district, then all reported FTE is gathered, recalibrated and funded.
2. If a student identifier is reported by only one school district, and there is no student record with similar demographics, then the FTE is recalibrated and funded only to the reporting school district.
3. If a student identifier is reported by only one school district, and there is a student record with similar or matching demographics reported by another school district, and at least one of the school districts reported less than 0.2 FTE, then all reported FTE is gathered, recalibrated and funded.
4. If a student identifier is reported by only one school district and there is a student record with similar or matching demographics reported by another school district, none of the school districts reported less than 0.2 FTE, and the student identifiers do not have entry codes during survey week, then the FTE will be recalibrated and funded separately.
5. If a student identifier is reported by only one school district and there is a student record with similar or matching demographics reported by another school district, none of the school districts reported less

than 0.2 FTE, and at least one of the student identifiers has an entry code during survey week, then all reported FTE is gathered, recalibrated and funded.

The process for calculating FTE across multiple surveys has the following provisions: If a student identifier is reported in both surveys 2 and 3, then the FTE for the student identifier is processed in a manner similar to that for a single survey. For a student identifier that is not reported in both surveys 2 and 3, the FTE for that student identifier is gathered, recalibrated to 0.5 FTE and funded.

### **Program Cost Factors and Weighted FTE**

Program cost factors assure that each program receives an equitable share of funds in relation to its relative cost per student. Through the annual program cost report, districts report the expenditures for each FEFP program. The cost per FTE student of each FEFP program is used to produce an index of relative costs, with the cost per FTE of Basic, Grades 4-8, established as the 1.000 base. In order to minimize the fluctuation in program cost factors, the Florida Legislature typically uses a three-year average in computing cost factors.

Multiplying the FTE students for a program by its cost factor produces “weighted FTE.” This calculation weights the FTE to reflect the relative costs of the programs as represented by the program cost factors. Program cost factors established for use in 2017-18 are as follows:

	<b><u>2017-18 Cost Factors</u></b>
(1) Basic Programs	
<b>101</b> – Kindergarten and Grades 1, 2 and 3	1.107
<b>102</b> – Grades 4, 5, 6, 7 and 8	1.000
<b>103</b> – Grades 9, 10, 11 and 12	1.001
(2) Programs for Exceptional Student Education	
<b>111</b> – Kindergarten and Grades 1, 2 and 3 with ESE Services	1.107
<b>112</b> – Grades 4, 5, 6, 7 and 8 with ESE Services	1.000
<b>113</b> – Grades 9, 10, 11 and 12 with ESE Services	1.001
<b>254</b> – Support Level 4	3.619
<b>255</b> – Support Level 5	5.526
(3) <b>130</b> – English for Speakers of Other Languages	1.212
(4) <b>300</b> – Programs for Grades 9-12 Career Education	1.001

ESE students in Levels 4 and 5 are reported with the appropriate cost factor (weight) for their respective levels. ESE students who are not classified in Level 4 or 5 are reported in the applicable Basic Program “with ESE services.” Additional funding for these students is provided by the ESE Guaranteed Allocation component of the FEFP formula.

To provide for the planned use of FEFP funds, the Florida Legislature has established the following combination of programs during the 180-day regular school year and summer school:

<b><u>Group</u></b>	<b><u>Program Group Title</u></b>
1	Basic Education Programs
2	Exceptional Student Education for Support Levels 4 and 5 English for Speakers of Other Languages Grades 9-12 Career Education Programs

PreK-12 courses offered beyond the regular 180-day school year, including intersessions, except Florida Department of Juvenile Justice programs, Juveniles Incompetent to Proceed programs, and Florida Virtual School courses, are not funded through the FEFP. The FTE for intersession and summer school courses is reported even though the FTE does not earn FEFP funds.

For the purpose of course completion and credit recovery pursuant to sections 1002.45 and 1003.498, F.S., virtual instruction programs and virtual charter schools may operate beyond the regular 180-day school year, in accordance with section 1011.61(1)(c)2., F.S., and may report FTE for funding through the FEFP. For more detailed reporting instructions, please refer to Appendix E of the 2017-18 FTE General Instructions manual available at <http://www.fldoe.org/fefp> under “FTE Information.”

### **Weighted FTE Cap**

Program Group 2 has an enrollment ceiling (cap) that is established based on each district’s estimates of FTE in each FEFP program. District estimates are reviewed and approved by a state enrollment estimating conference. The appropriated FTE in each program is multiplied by the program’s cost factor. The resulting weighted FTE, aggregated by program group, establishes the group cap. After actual FTE is reported, Group 2 FTE in excess of the cap receive a program cost factor of 1.0. A statewide cap of 397,799 weighted FTE was set for Group 2 for the 2017-18 fiscal year.

### **Additional Weighted FTE**

**All FTE provided in this section is in addition to the recalibrated FTE calculation described on page 11.**

#### *Small District ESE Supplement*

Supplemental funding is provided for districts that have fewer than 10,000 FTE and fewer than three FTE students in ESE Support Levels 4 and 5. This supplement is limited to the statewide value of 43.35 weighted FTE. The commissioner shall set the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the FEFP funding. The supplemental value for a district shall not exceed three FTE for each of these support levels (ESE Support Levels 4 and 5).

#### *Small, Isolated High School Supplement*

Pursuant to section 1011.62(1)(h), F.S., high schools with at least 28 students and no more than 100 students in grades 9-12 and that are no closer than 28 miles to the nearest high school may qualify for an isolated school supplement. A district elementary school may also qualify if:

1. The school serves a primary configuration of kindergarten through grade 5, but may also include prekindergarten or grades 6 through 8;
2. The school is located at least 35 miles by the shortest route from another elementary school within the district;
3. The school has been serving students primarily in basic studies;
4. The school has a student population in which at least 75 percent of the students are eligible for free or reduced-price school lunch; and
5. The school has a membership of at least 28, but not more than 100.

Districts with qualifying schools must levy the maximum discretionary operating millage in order to receive the supplement.



### *Bonus FTE Programs*

An additional value of 0.16 FTE shall be reported by school districts for each student in Advanced Placement (AP) classes who earns a score of three or higher on each College Board Advanced Placement Subject examination, provided he or she has been taught in an AP class in the prior year. A value of 0.16 additional FTE is to be calculated for each student enrolled in an International Baccalaureate (IB) course who receives a score of four or higher on the subject examination. An Advanced International Certificate of Education (AICE) student earns an additional 0.16 if he or she receives a score of “E” on a full-credit subject exam or an additional 0.08 FTE if he or she is enrolled in a half-credit class and earns a score of “E” or higher on the subject exam. A value of 0.3 FTE should be calculated for each student who receives an IB or AICE diploma.

From the funding generated by the bonus FTE of these programs, sections 1011.62(1)(l), (m), (n) and (o) F.S., require districts to distribute bonuses to certain classroom teachers as follows:

- (l) International Baccalaureate – A bonus of \$50 is earned by an IB teacher for each student in each IB course who receives a score of four or higher on the International Baccalaureate examination. An additional bonus of \$500 is earned by the IB teacher in a school designated with a performance grade category of “D” or “F” who has at least one student scoring four or higher on the IB subject examination. Bonuses awarded under this paragraph shall be in addition to any regular wages or other bonuses the teacher received or is scheduled to receive.
- (m) Advanced International Certificate of Education – A teacher earns a \$50 bonus for each student in the full-credit AICE course who receives a score of “E” or higher on the subject exam and a \$25 bonus for each student in each half-credit AICE course who receives a score of “E” or higher on the subject examination. Additional bonuses of \$500 and \$250 for full-credit and half-credit courses, respectively, shall be awarded to AICE teachers in a school designated with a performance grade category of “D” or “F” who have at least one student passing the subject examination in that class.
- (n) Advanced Placement – A \$50 bonus is earned by an AP teacher for each student in each AP course who receives a score of three or higher on the College Board AP Examination. An additional bonus of \$500 is earned by the AP teacher in a school designated with a performance grade category of “D” or “F” who has at least one student scoring three or higher on the College Board AP subject examination. Bonuses awarded under this paragraph shall be in addition to any regular wages or other bonuses the teacher received or is scheduled to receive.
- (o) *Career and Professional Education Act (CAPE)*

Pursuant to section 1011.62(1)(o), F.S., additional FTE membership values shall be calculated as follows:

- A value of 0.025 FTE student membership shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school grades.
- A value of 0.1 or 0.2 FTE student membership shall be calculated for each student who completes a career-themed course as defined in section 1003.493(1)(b), F.S., or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved in accordance with the Florida Administrative Code. A value of 0.2 FTE student membership shall be calculated for each student who is issued a CAPE Industry Certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the department shall assign an FTE value of 0.1 for each certification.

- A value of 0.3 FTE student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to sections 1003.4203(5)(a) and 1008.44, F.S.
- A value of 0.5 FTE student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours.
- A value of 1.0 FTE student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to sections 1003.4203(5)(b) and 1008.44, F.S.

Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate may not use the previously funded examination to satisfy the requirements for earning an industry certification. Additional FTE membership for an elementary or middle grades student shall not exceed 0.1 FTE for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List, in accordance with the Florida Administrative Code. Such value shall be added to the total FTE student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to section 1011.80, F.S. Nevertheless, if a student earns a certification through a dual enrollment course, and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

Section 1011.62(1)(o), F.S., provides for the following teacher bonuses from the industry certification additional FTE student calculation:

- \$25 for each student taught by a teacher who provided instruction in a course that led to the attainment of an industry certification on the CAPE Industry Certification Funding List with a weight of 0.1 FTE.
- \$50 for each student taught by a teacher who provided instruction in a course that led to the attainment of an industry certification on the CAPE Industry Certification Funding List with a weight of 0.2 FTE.
- \$75 for each student taught by a teacher who provided instruction in a course that led to the attainment of an industry certification on the CAPE Industry Certification Funding List with a weight of 0.3 FTE.
- \$100 for each student taught by a teacher who provided instruction in a course that led to the attainment of an industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0 FTE.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the school district in the year in which the additional FTE student membership calculation is included in the calculation. Any bonus awarded to a teacher under this paragraph is in addition to any regular wages or other bonuses the teacher received or is scheduled to receive.

### *Early High School Graduation*

Section 1011.62(1)(p), F.S., authorizes the addition of 0.25 FTE to each district's total FTE for each student who earns 24 credits and graduates one semester in advance of the student's cohort pursuant to section

1003.4281, F.S., and an additional 0.50 FTE for each student who earns 24 credits and graduates one year or more in advance of the student's cohort pursuant to section 1003.4281, F.S.

### **Base Student Allocation**

The base student allocation from state and local funds is determined annually by the Florida Legislature and is a component in the calculation of Base Funding. For the 2017-18 fiscal year, the base student allocation is \$4,203.95.

### **District Cost Differential**

Section 1011.62(2), F.S., requires the commissioner to annually compute District Cost Differentials (DCDs) by adding each district's Florida Price Level Index for the most recent three years and dividing the sum by three. The result is multiplied by 0.800 and divided by 100 and 0.200 is added to the product to obtain the DCD. This serves to limit the factor's adjustment to 80 percent of the index (i.e., the approximate percentage of district salary costs to total operating costs). The three-year averaging reduces the immediate impact on districts of fluctuations in the index.

The following DCDs were established for 2017-18:

Alachua	0.9702	Liberty	0.9269
Baker	0.9762	Madison	0.9194
Bay	0.9636	Manatee	0.9926
Bradford	0.9716	Marion	0.9497
Brevard	0.9891	Martin	1.0110
Broward	1.0260	Monroe	1.0206
Calhoun	0.9300	Nassau	0.9893
Charlotte	0.9840	Okaloosa	0.9875
Citrus	0.9480	Okeechobee	0.9765
Clay	0.9925	Orange	1.0025
Collier	1.0378	Osceola	0.9839
Columbia	0.9475	Palm Beach	1.0426
Miami-Dade	1.0196	Pasco	0.9864
DeSoto	0.9752	Pinellas	1.0056
Dixie	0.9279	Polk	0.9709
Duval	1.0114	Putnam	0.9623
Escambia	0.9696	St. Johns	0.9954
Flagler	0.9520	St. Lucie	0.9949
Franklin	0.9178	Santa Rosa	0.9661
Gadsden	0.9467	Sarasota	1.0113
Gilchrist	0.9447	Seminole	0.9921
Glades	0.9745	Sumter	0.9576
Gulf	0.9356	Suwannee	0.9295
Hamilton	0.9289	Taylor	0.9201
Hardee	0.9673	Union	0.9630
Hendry	0.9870	Volusia	0.9617
Hernando	0.9710	Wakulla	0.9472
Highlands	0.9483	Walton	0.9653
Hillsborough	1.0080	Washington	0.9337
Holmes	0.9354	Wash. Special	0.9337
Indian River	1.0010	FAMU	0.9670
Jackson	0.9231	FAU – Palm Beach	1.0426
Jefferson	0.9447	FAU – St. Lucie	0.9949

Lafayette	0.9168	FSU – Broward	1.0260
Lake	0.9748	FSU – Leon	0.9670
Lee	1.0079	UF	0.9702
Leon	0.9670	Florida Virtual School	1.0000
Levy	0.9435		

### **Base Funding**

Base Funding is derived from the product of the weighted FTE students, multiplied by the Base Student Allocation and the District Cost Differential.

### **Florida Department of Juvenile Justice Supplement**

The total K-12 weighted FTE student membership in juvenile justice education programs in each school district shall be multiplied by the amount of the state average class-size reduction factor multiplied by the district's cost differential. An amount equal to the sum of this calculation shall be allocated in the FEFP to each school district to supplement other sources of funding for students in juvenile justice education programs.

### **Declining Enrollment Supplement**

The declining enrollment supplement is determined by comparing the unweighted FTE for the current year to the unweighted FTE of the prior year. In those districts where there is a decline in unweighted FTE, 25 percent of the decline is multiplied by the prior-year base funding per unweighted FTE. This amount is the declining enrollment supplement for the district.

### **Sparsity Supplement**

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the FTE of the district by the number of permanent senior high school centers. For districts with FTE student memberships between 20,000 and 24,000, the number of high school centers is reduced to four. The number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. By General Appropriations Act proviso, participation is limited to districts of 24,000 or fewer FTE students. There are four adjustments to the initial sparsity computation, including a wealth adjustment. This supplement is limited to \$52,800,000 statewide for the 2017-18 fiscal year.

### **State-Funded Discretionary Contribution**

Developmental research schools (lab schools) and the FLVS are established as separate school districts for purposes of FEFP funding. Section 1002.32(9), F.S., authorizes the calculation and allocation of funds for the lab schools in lieu of discretionary local tax revenue that is generated for district students by the tax base of the district where the school is located. The FLVS discretionary contribution is calculated by multiplying the maximum allowable nonvoted discretionary millage for operations pursuant to section 1011.71(1), F.S., by the value of 96 percent of the current year's taxable value for school purposes for the state; dividing this product by the total FTE student membership of the state; and multiplying this quotient by the FTE student membership of the school. Funds for the discretionary contribution are appropriated from state funds in the General Appropriations Act.

### **0.748 Mills Discretionary Compression**

If any school district levies the full 0.748 mill levy and it generates an amount of funds per unweighted FTE student that is less than the state average amount per unweighted FTE student, the school district shall receive a

discretionary millage compression supplement that, when added to the funds generated by the district's 0.748 mill levy, shall be equal to the state average as provided in section 1011.62(5), F.S.

### **Safe Schools**

An amount of \$64,456,019 was appropriated for Safe Schools activities for the 2017-18 fiscal year. The funds are to be allocated so that each district is guaranteed a minimum of \$62,660. From the remaining appropriation, 67 percent shall be allocated based on the latest official Florida Crime Index provided by the Florida Department of Law Enforcement and 33 percent shall be allocated based on each district's share of the state's total unweighted student enrollment. Safe Schools funds are to be used by school districts to help them comply with sections 1006.07 through 1006.148, F.S., with priority given to establishing a school resources officer program pursuant to section 1006.12, F.S.

### **Reading Program**

Funds in the amount of \$130,000,000 are provided for a K-12 comprehensive, district-wide system of research-based reading instruction for the 2017-18 fiscal year. The amount of \$115,000 shall be allocated to each district and the remaining balance shall be allocated based on each district's proportion of the total K-12 base funding. From these funds, at least \$15,000,000 shall be used to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year for the students in the 300 lowest performing elementary schools based on the state reading assessment pursuant to sections 1008.22(3) and 1011.62(9), F.S. This additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching reading. Students enrolled in these schools who have level 5 reading assessment scores may choose to participate in the additional hour of instruction on an optional basis. ESE centers shall not be included in the 300 schools. Pursuant to section 1008.32, F.S., the Florida State Board of Education shall withhold funds from a school district that fails to comply with this requirement.

### **Supplemental Academic Instruction**

The Supplemental Academic Instruction (SAI) component of the FEF formula provides funding of \$712,207,631 for the 2017-18 fiscal year. From these funds, at least \$75,000,000, together with funds provided in the district's research-based reading instruction allocation and other available funds, shall be used by districts with one or more of the 300 lowest performing elementary schools based on the statewide, standardized English Language Arts assessment to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each of these schools. This additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching reading, or by a K-5 mentoring reading program that is supervised by a teacher who is effective at teaching reading. Students enrolled in these schools who have level 5 reading assessment scores may choose to participate in the additional hour of instruction on an optional basis. ESE centers shall not be included in the 300 schools. The funds for the SAI allocation shall consist of a base amount with a workload adjustment based on changes in FTE. An additional amount is provided for districts with schools on the list of the 300 lowest-performing elementary schools, based on each district's level of per-student funding in the reading instruction allocation and the SAI categorical fund, and on the total FTE for each of the schools.

The department has provided guidance to school districts for documentation of the expenditures for the additional hour of instruction to ensure that all local, state and federal funds are maximized for the total instructional program. School districts submitted a report to the department in a format prepared by the department that includes summary information, including funding sources, expenditures and student outcomes for each of the participating schools, which was submitted to the Speaker of the House, President of the Senate and Governor. Pursuant to section 1008.32, F.S., the Florida State Board of Education shall withhold funds from a school district that fails to comply with this requirement.

## **Exceptional Student Education (ESE) Guaranteed Allocation**

ESE services for students whose level of service is less than Support Levels 4 and 5 are funded through the ESE Guaranteed Allocation. The students generate FTE funding using the appropriate Basic Program weight for their grade level. This allocation provides for the additional services needed for exceptional students. District allocations from the appropriation of \$1,060,770,374 for the 2017-18 fiscal year are recalculated during the year, based on actual student membership from FTE surveys. School districts that have provided education services in 2016-17 for exceptional education students who are residents of other districts shall not discontinue providing such services without the prior approval of the department.

## **Instructional Materials**

Funds in the amount of \$230,743,258 are provided to purchase instructional materials. This includes \$165,000,000 to purchase instructional content, as well as electronic devices, technology equipment and infrastructure. The remainder is for core subject instructional materials. Instructional materials funding also provides \$12,184,490 for library media materials, \$3,330,427 for science lab materials and supplies, \$10,329,494 for dual enrollment instructional materials and \$3,114,988 for digital instructional materials for students with disabilities. The funds are allocated to the districts based on the formula in section 1011.67, F.S.

## **Florida Teachers Classroom Supply Assistance Program**

This appropriation provides an allocation to each school district based on the prorated total of each school district's share of the total grades K-12 unweighted FTE student enrollment. Pursuant to section 1012.71, F.S., the funds are to be used only by classroom teachers for the purchase of classroom instructional materials and supplies for use in teaching students. An appropriation of \$45,286,750 was allocated for the Florida Teachers Classroom Supply Assistance Program in 2017-18.

## **Student Transportation**

To provide the equitable distribution of funds for safe and efficient transportation services in school districts in support of student learning, \$438,875,286 was appropriated for Student Transportation in 2017-18. The formula for allocating the funds is outlined in section 1011.68, F.S., and contains the following provisions in the state allocation for student transportation: (1) students with special transportation needs earn a higher rate of funding than base students; (2) base funding for each district is established by the district's proportionate share of the total statewide students eligible for transportation; and (3) indices are applied that modify the base funding amount to reward more efficient bus utilization, compensate for rural population density and adjust funding based on the cost of living.

## **Virtual Education Contribution**

The virtual education contribution shall be allocated pursuant to the formula provided in section 1011.62(11), F.S. The contribution shall be based on \$5,230 per FTE student.

## **Digital Classrooms Allocation**

Funds in the amount of \$80,000,000 are provided to school districts to support school district and school efforts to integrating technology in classroom teaching and learning to ensure students have access to high-quality electronic and digital instructional materials and resources, and empower classroom teachers to help students succeed. The amount of \$500,000 shall be allocated to each district and the remaining balance shall be allocated based on each school district's share of the total kindergarten through grade 12 unweighted FTE student enrollment. Twenty percent of the funds provided may be used for professional development, including in-state conference attendance or online coursework, to enhance the use of technology for digital instructional strategies. Other eligible uses include acquiring and maintaining items on the eligible services list authorized by the federal

E-rate program, and acquiring computer and device hardware and associated software that complies with the requirements of section 1001.20(4)(a)1.b., F.S.

### **Federally Connected Student Supplement**

The Federally Connected Student Supplement was created to provide supplemental funding for school districts to support the education of students connected with federally owned military installations, National Aeronautics and Space Administration property, and Indian lands. To be eligible for this supplement, the district must be eligible for federal Impact Aid Program funds under s. 7003 of Title VIII of the Elementary and Secondary Education Act of 1965. The student allocation is calculated based on the number of students reported for federal Impact Aid Program funds who meet specific criteria described in section 1011.62(13), F.S. The total number of qualifying federally connected students is multiplied by a percentage of the base student allocation as determined annually in the FEFP Conference Report. The total number of students with disabilities is multiplied by an additional percentage of the base student allocation. The exempt property allocation is equal to the tax-exempt value of federal impact aid lands multiplied by the capital outlay millage authorized and levied under section 1011.71(2), F.S. The total allocation for the Federally Connected Student Supplement for 2017-18 is \$12,883,871.

### **Required Local Effort**

The district required local effort is subtracted from the state and local FEFP dollars. The amount of required local effort that each district must provide to participate in the FEFP is calculated as described in the following paragraphs.

Adjusted required local effort from ad valorem taxes for 2017-18 was set in the Second Calculation at \$7,605,390,763. Using the certified 2017 tax roll from the Florida Department of Revenue, the commissioner computed and certified the required local effort millage rate for each district. For the current fiscal year FEFP calculation, each district's contribution for required local effort is the product of the certified mills multiplied by 96 percent of the taxable value for school purposes of the district. Section 1011.62(4), F.S., directs the commissioner to adjust required local effort millage rates if the millage would produce more than 90 percent of a district's total FEFP entitlement. As previously noted in the discussion about local support on pages 2-3, the certified millage rates of six districts were reduced in accordance with this provision.

The amount produced by applying the average computed required local effort millage rate of 4.308 to the certified tax roll is adjusted by an equalization factor for each district in accordance with section 1011.62(4)(b), F.S. The purpose of this adjustment is to offset variations among districts in the level of assessment of property. The Florida Department of Revenue provides the commissioner with its most recent determination of the assessment level of the prior year's assessment roll for each district and for the state. A millage rate is computed based on the positive or negative variation of each district from the state average assessment level. The millage rate resulting from application of this equalization factor is added to the state average required local effort millage. The sum of these two rates becomes each district's certified required local effort millage (see page 2, Local Support).

As explained on page 6, developmental research schools and the FLVS have no taxing authority. Therefore, state funds are used to provide the required local effort, as well as equivalent discretionary local revenue, for these schools.

### **Adjustments**

The department is authorized to make prior-year adjustments in the allocation of funds to a district for adjudication of litigation, arithmetical errors, assessment roll change, FTE student membership errors or allocation errors revealed in an audit report. An under-allocation in a prior year caused by a school district's error may not be the basis for a positive allocation adjustment for the current year.

If state revenue collections are not sufficient to fund the amount appropriated for the FEFP, a special session may be held to reduce the appropriation and allocations. If the program calculates an amount that exceeds the appropriation, a proration of available funds will be deducted from districts' calculated funding in proportion to each district's relative share of state and local FEFP dollars. This procedure preserves equity in the distribution of available dollars.

If appropriated funds for the FEFP were inadvertently omitted in the FEFP Conference Report, these funds will be added in a later calculation as an additional allocation. The allocation of these funds will be determined by the Florida Education Finance Program Appropriation Allocation Conference, as authorized in section 1011.65, F.S.

### **Categorical Program Funds**

Categorical program funds are added to the FEFP allocation that is distributed to districts. Categorical programs include the Class Size Reduction Program and the District Discretionary Lottery and Florida School Recognition Program.

### **Class Size Reduction**

As a result of the voter-approved amendment to Article IX, section 1, of the Florida Constitution, regarding class size reduction, additional operating and capital outlay funds were appropriated to assist districts in their efforts to not exceed the class size maximums. Beginning with the 2010-11 school year, Florida classrooms could have no more than 18 students in grades PreK-3, 22 students in grades 4-8 and 25 students in grades 9-12. If a district school board determines that it is impractical, educationally unsound or disruptive to student learning, students who enroll after the October student membership survey may be temporarily assigned to a class that exceeds the maximums cited above. Up to three students may be assigned to a teacher in grade group K-3. Up to five students may be assigned to a teacher in grade groups 4-8 and 9-12.

For 2017-18, the class size reduction appropriation is \$3,097,734,706 for operations. These funds are used by districts primarily to hire teachers to meet class size requirements. The class size reduction allocation factors for the 2017-18 fiscal year for the operating categorical program are as follows: \$1,317.03 (grades PreK-3), \$898.36 (grades 4-8) and \$900.53 (grades 9-12) per weighted FTE student.

### **District Discretionary Lottery and Florida School Recognition Program Funds**

An amount of \$134,582,877 was appropriated for school recognition funds and district discretionary lottery funds for the 2017-18 fiscal year. The first priority in the use of the funds is the Florida School Recognition Program, which is authorized by section 1008.36, F.S. The Florida School Recognition Program provides monetary awards to schools that earn an "A" grade, improve at least one performance grade from the previous year or sustain the previous year's improvement of more than one letter grade. The Florida Legislature provided for awards of up to \$100 per student for the 2017-18 school year, which are to be used for nonrecurring bonuses to the faculty and staff, nonrecurring expenditures for educational equipment or materials, or for temporary personnel to assist the school in maintaining or improving student performance. The school's staff and school advisory council (SAC) must decide to spend these funds for one or any combination of these three purposes. If the school's staff and SAC cannot reach agreement by February 1, the awards must be equally distributed to all classroom teachers currently teaching in the school.

District Discretionary Lottery and Florida School Recognition Program funds remaining after funding the Florida School Recognition Program are allocated to school districts based on each district's proportionate share of the FEFP base funding entitlement ( $WFTE \times BSA \times DCD$ ). School boards must allocate up to \$5 per unweighted FTE student to be used at the discretion of the SAC or, in the absence of such a council, at the discretion of the staff and parents of the school. These moneys may not be used for capital improvements or for any project or program that has a duration of more than one year; however, an SAC or parent advisory



committee may independently determine that a program or project funded in a prior year should receive funds in a subsequent year. If there are insufficient funds remaining to fully fund the SAC's priorities, then the funds are prorated to the SACs. Also, see sections 24.121(5)(c) and 1001.452, F.S., relative to SACs and expenditure of these funds.

No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to section 1001.42(18), F.S., or do not comply with SAC membership composition requirements pursuant to section 1001.452(1), F.S.

## **FEFP CALCULATION SCHEDULE**

The FEFP is calculated five times throughout the year to arrive at each year's final appropriation. These calculations are as follows:

- (1) First Calculation – This calculation is completed by the Florida Legislature. District allocations for July 10 are based on this calculation.
- (2) Second Calculation – This calculation is made upon receipt of the certified tax roll from the Florida Department of Revenue as provided for in section 1011.62(4), F.S. District allocations for July 26 through December 26 are based on this calculation.
- (3) Third Calculation – This calculation is made upon receipt of districts' October survey FTE counts. District allocations for January 10 through April 10 are based on this calculation. (District current-year July and October and prior-year June FTE amounts are summed with a February estimate derived from annualization factors provided by each school district.)
- (4) Fourth Calculation – This calculation is made upon receipt of districts' February FTE counts and estimated June FTE. District allocations for April 26 through June 26 are based on this calculation.
- (5) Final Calculation – This calculation is made upon receipt of districts' June FTE counts. Prior-year adjustments in the following fiscal year are completed based on a comparison of this Final Calculation to the Fourth Calculation.

With each calculation, districts are sent a detailed report of the input data and results. Summary pages from the 2017-18 Second Calculation are included at the end of this publication.

## **PUBLIC EDUCATION CAPITAL OUTLAY (PECO) FUNDS**

### **Background**

Pursuant to Article XII, section 9(a)(2) of the Florida Constitution, the Public Education Capital Outlay (PECO) and Debt Service Trust Fund consists of revenues derived from the collection of the gross receipts tax on utilities, including transfers from the Communications Services Tax, and through the issuance of bonds supported by these revenues. School districts, Florida colleges, state universities and other education agencies receive PECO funds to construct new facilities or to perform maintenance, renovation and/or repairs on existing facilities. These funds are also used for site acquisitions and improvements.

### **Survey-Recommended Needs**

Each year, Florida public school districts complete a Five-Year District Facilities Work Plan identifying the need for construction of new education facilities as well as major additions, renovations or repairs necessary to extend the useful life of buildings. Each public school district has local control over the allocation of funds to meet public school district facility needs. The projects to be funded by the district must be included in the district's educational plant survey, as approved by the department. A portion of the PECO appropriation is allocated to the university developmental research (lab) schools and represents the local millage equivalent to be used for fixed capital outlay purposes.

### **Legal Authorization**

Section 1002.32(9)(e), F.S., and section 1013.64(3), F.S.

Specific Appropriation 19, chapter 2017-70, L.O.F. (2017-18 General Appropriations Act)

### **2017-18 Appropriation**

\$13,254,897 appropriated to university developmental research schools.

### **Maintenance, Repair and Renovation**

School districts receive a portion of PECO funds for remodeling, renovation, maintenance, repairs and site improvements for existing satisfactory facilities. These funds assist school districts in expanding or upgrading educational plants to prolong the useful life of the facilities. Charter schools meeting the criteria in section 1013.62, F.S., also receive PECO funds for capital outlay needs from this appropriation category.

### **Legal Authorization**

Sections 1013.62(1)(a) and (b) and 1013.64(1), F.S.

Specific Appropriation 18, chapter 2017-70, L.O.F. (2017-18 General Appropriations Act)

### **2017-18 Appropriation**

\$50,000,000 appropriated to charter schools.

\$50,000,000 appropriated to public schools.

### **Special Facilities**

PECO funds may be appropriated to school districts lacking sufficient resources to meet urgent construction needs. The proposed projects must be deemed a critical need and must be recommended for funding by the Special Facilities Construction Committee, consisting of representatives from the department, the Governor's Office, district school boards and district superintendents. The school districts must adopt a resolution committing available local capital outlay revenue to the project for a three-year period.

**Legal Authorization**

Section 1013.64(2), F.S.

Specific Appropriation 22, chapter 2017-70, L.O.F. (2017-18 General Appropriations Act)

**2017-18 Appropriation**

\$50,812,270 appropriated for the following projects:

\$ 8,900,000	Dixie County School District (additional year of funding)
\$10,128,694	Hamilton County School District (third and final year of funding)
\$19,059,808	Jackson County School District (first of three years of funding)
\$ 6,060,895	Liberty County School District (first of three years of funding)
\$ 6,662,873	Taylor County School District (second of three years of funding)

## **CAPITAL OUTLAY AND DEBT SERVICE (CO&DS) FUNDS**

### **Background**

Pursuant to Article XII, section 9(d), of the Florida Constitution, the first proceeds from the tax on motor vehicle licenses are available to school districts and Florida colleges for capital outlay purposes. The number of instruction units determines the annual allocation of these funds for each school district and Florida college. For school districts, each instruction unit for the base year equals \$600 and each growth unit, or the increase in instruction units of the current year over the base year, is valued at \$800. Both base instruction units and growth instruction units for Florida colleges are worth \$400. A school district or Florida college may elect to bond its allocation or receive the funds as cash, in which case it is commonly referred to as “flow-through” funds. CO&DS funds may be used for capital outlay projects included on a school district’s or college’s Project Priority List, which is developed from the educational plant survey as approved by the department.

### **Legal Authorization**

Article XII, section 9(d), Florida Constitution.

Specific Appropriation 24, chapter 2017-70, L.O.F. (2017-18 General Appropriations Act)

### **2017-18 Appropriation**

\$76,000,000 appropriated for both school districts and Florida colleges.

## WORKFORCE DEVELOPMENT EDUCATION FUND

**Note:** Workforce Development Education Fund programs are administered by the Division of Career and Adult Education.

### **Requirements for Participation**

Funds appropriated must be used for the delivery of Workforce Development Education Fund programs by school districts and shall be used for no other purpose. Workforce Development Education programs include adult general education programs, technical certificate programs, applied technology diploma programs and apprenticeship programs. State funds may not be spent on continuing workforce education programs.

### **Distributing State Dollars**

The distribution of funds for 2017-18 was identified with a specific appropriation for each school district.

Lifelong Learning may be offered at the discretion of the district, but is not to be reported for funding under the Workforce Development Education Fund or under the FEFP. Such courses and activities may be supported by: (1) a fee sufficient to pay part or all of the costs; (2) local funds; or (3) a combination of fees and state and local funds. "Lifelong Learning" means a noncredit course or activity offered by a school district that seeks to address community social and economic issues related to health and human relations, government, parenting, consumer economics and senior citizens (section 1004.02(17), F.S.). Lifelong Learning includes making school media centers and school athletic facilities available for public use during after-school hours.

### **Legal Authorization**

Specific appropriation items 10 and 122, chapter 2017-70, L.O.F. (2017-18 General Appropriations Act); section 1011.80, F.S.

### **2017-18 Appropriations**

\$366,340,160 Workforce Development Funds

### **Adult Fees**

In accordance with sections 1009.22(c)-(d), F.S., the following schedule reflects current fees:

<b>Workforce Education Program</b>	<b>Tuition Range Per Contact Hour</b>
<b><i>Resident:</i></b> Career Certificate (Postsecondary Adult Vocational - PSAV) or Applied Technology Diploma	\$2.22 to \$2.44
<b><i>Tuition Plus Out-of-State Fee for Non-Residents:</i></b>	\$8.86 to \$9.78
<b><i>Resident:</i></b> Adult General Education	\$30 per semester or \$45 per half year

### **Adult General Education Block Tuition**

Effective July 1, 2014, section 1009.22(3)(c), F.S., was amended to include the following language:

For adult general education programs, a block tuition of \$45 per half year or \$30 per term shall be assessed. Each district school board and Florida College System institution board of trustees shall adopt policies and procedures for the collection of and accounting for the expenditure of the block tuition. All funds received from the block tuition shall be used only for adult general education programs. Students

enrolled in adult general education programs may not be assessed the fees authorized in subsection (5), subsection (6), or subsection (7).

### **Fees for Continuing Workforce Education**

Effective July 1, 2010, section 1009.22(3)(b), F.S., was amended to include the following language:

Fees for continuing workforce education shall be locally determined by the district school board or Florida College System institution board. Expenditures for the continuing workforce education program provided by the Florida College System institution or school district must be fully supported by fees. Enrollments in continuing workforce education courses may not be counted for purposes of funding FTE enrollment.

Districts will be required to report fiscal and enrollment information on students in Continuing Workforce Education.

### **Fee (Tuition) Statutes**

The following statutory references pertain to workforce fees:

- Section 1009.21, F.S., Determination of resident status for tuition purposes
- Section 1009.22, F.S., Workforce education postsecondary student fees
- Section 1009.25, F.S., Organizes all fee exemptions for all sectors
- Section 1009.26, F.S., Organizes all fee waivers for all sectors
- Section 1009.27, F.S., Organizes references to fee deferrals for all sectors
- Section 1011.80(10), F.S., Fee exemption for coenrolled adult education students

### **Standard Tuition for Career Certificate/Applied Technology Diploma Programs**

Standard tuition shall be \$2.33 per contact hour for programs leading to a career certificate or an applied technology diploma. Each district school board may adopt a tuition amount that varies within the range of 5 percent below to 5 percent above the standard tuition and out-of-state fee, if applicable (section 1009.22(3)(d), F.S.).

### **Residency for Tuition Purposes**

Section 1009.22(3)(a), F.S., provides for the following:

Except as otherwise provided by law, fees for students who are nonresidents for tuition purposes must offset the full cost of instruction. **Residency of students shall be determined as required in section 1009.21 (emphasis added).** Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for adult general education programs. Each Florida College System institution that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

For all students in career certificate and applied technology diploma programs, a determination of residency for tuition purposes must be made according to the requirements in section 1009.21, F.S. Districts must identify students as residents for tuition purposes in the Workforce Development Information System data reporting system using the Adult Fee Status data element.

## **Financial Aid Fee**

School districts are permitted to collect, for financial aid purposes, up to an additional 10 percent of the student fees collected for *workforce development education programs* as stated in section 1009.22(5), F.S. This fee may not be collected for adult general education programs (section 1009.22(3)(c), F.S.).

## **Capital Improvement Fee**

School districts are permitted to collect a separate capital improvement fee for capital improvements, technology enhancements or equipping buildings, which may not exceed 5 percent of the tuition fee for resident students or 5 percent of the tuition and out-of-state fee for nonresident students. For additional information, see section 1009.22(6), F.S. This fee may not be collected for adult general education programs (section 1009.22(3), F.S.).

## **Technology Fee**

School districts are permitted to collect a separate technology fee in accordance with section 1009.22(7), F.S. According to the statute, “Each district school board and Florida College System institution board of trustees is authorized to establish a separate fee for technology, not to exceed 5 percent of tuition per credit hour or credit-hour equivalent for resident students and not to exceed 5 percent of tuition and the out-of-state fee per credit hour or credit-hour equivalent for nonresident students. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty and shall not be included in any award under the Florida Bright Futures Scholarship Program.” This fee may not be collected for adult general education programs (section 1009.22(3)(c), F.S.).

## **Other Fees**

Section 1009.22, F.S., states, in subsections (8) and (9):

(8) Each district school board and Florida College System institution board of trustees is authorized to establish specific fees for workforce development instruction not reported for state funding purposes or for workforce development instruction not reported as state funded FTE students. District school boards and Florida College System institution boards of trustees are not required to charge any other fee specified in this section for this type of instruction.

(9) Florida College System institution boards of trustees and district school boards are not authorized to charge students enrolled in workforce development programs any fee that is not specifically authorized by statute. In addition to tuition, out-of-state, financial aid, capital improvement, and technology fees, as authorized in this section, Florida College System institution boards of trustees and district school boards are authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service.

## **Fee Exemptions**

Most fee exemptions are defined in section 1009.25, F.S. Included in this statute are exemptions for:

- A student enrolled in a dual enrollment or early admission program pursuant to section 1007.27, F.S., or 1007.271, F.S.
- A student enrolled in an approved apprenticeship program, as defined in section 446.021, F.S.



- A student in the custody of the Florida Department of Children and Families (DCF) or adopted from DCF, under certain conditions.
- A student who is homeless.

**Additional Exemptions Include:**

- A student who is a dependent of a deceased or disabled veteran pursuant to section 295.01, F.S., through section 295.05, F.S.
- A student who is a dependent of a deceased special risk member pursuant to section 112.19(3), F.S., and section 112.191(3), F.S.
- A student who was a victim of wrongful conviction under section 961.06(1)(b), F.S.

**Out of state fee waivers are provided for certain students, as follows:**

- Students who are undocumented for federal immigration purposes, who meet the certain condition (section 1009.26(12), F.S.);
- An honorably discharged veteran of the United States Armed Forces, the United States Reserve Forces, or the National Guard who physically resides in this state while enrolled in the institution; or persons who are entitled to and use educational assistance provided by the United States Department of Veterans Affairs for a quarter, semester or term beginning after July 1, 2015, who physically reside in this state while enrolled in the institution (section 1009.26(13), F.S.); and
- A person who is an active-duty member of the Armed Forces of the United States or stationed outside of this state. Tuition and fees charged to a student who qualifies for this out-of-state waiver may not exceed the tuition and fees charged to a resident student (section 1009.26(14), F.S.).

## **Fee Waivers**

Fee Waivers are defined in section 1009.26, F.S. School districts may waive fees for any fee-nonexempt student. The total value of the fee waivers granted by the school district may not exceed the amount established annually in the General Appropriations Act. Waivers for fee-nonexempt students for programs funded through Workforce Development Education appropriations may not exceed 8 percent of the fee revenues that would otherwise be collected (chapter 2017-70, L.O.F.).

## **Differential Out-of-State Fee**

Section 1009.22(4), F.S., provides that a district school board that has a service area that borders another state may implement a plan for a differential out-of-state fee.

## **Applied Academics for Adult Education (formerly known as Career Preparatory Instruction)**

The Applied Academics for Adult Education program is designed to prepare students for academic, technical and personal success. It includes career assessment, basic skills-related instruction, workforce readiness instruction and competency training. The department considers Applied Academics to be an adult education course. Students receiving this instruction must be charged the adult general education block tuition.

## **Certification by the Superintendent of Data Reporting for Enrollment and Performance**

The following language was added to the proviso for the specific appropriations for Workforce Development Funds in the General Appropriations Act:

District superintendents shall certify that workforce education enrollment and performance data used for funding allocations to districts is accurate and complete in accordance with reporting timelines established by the department. Upon certification, the district data shall be considered final for purposes

of use in state funding formulas. After the final certification, the department may request a supplemental file in the event that a district has reported a higher level of enrollment or performance than was actually achieved by the district.

## **FUNDS FOR STUDENT TRANSPORTATION**

### **Overview**

The student transportation funding formula provides funds to 67 school districts based on each district's pro rata share of eligible state-transported students. Eligible transported charter school students are reported in the student membership surveys authorized in rule 6A-1.0451(4), F.A.C. The formula includes an additional weight for the transportation of students with disabilities requiring specialized transportation services. In addition to students transported by public school buses, the funding formula includes students transported to and from school on local general purpose transportation systems (public transit). The formula also includes students transported to and from school in private passenger cars and boats when the transportation is for certain isolated students or for students with disabilities, when the need is documented on the student's Individual Education Plan (IEP). Adjustments to each district's share of state transportation funds are made for cost of living differences, the percentage of population outside of urban centers and efficiency (as defined by average bus occupancy or the average number of students transported per day, per bus).

### **Requirements for Participation**

A school district must participate in the FEFP to be eligible to receive funds from the state student allocation for transportation of eligible school district or charter school students.

### **Legal Authorization**

Section 1011.68, F.S.

Section 15, chapter 2017-234

Sections 1006.21-1006.27, F.S.

### **2017-18 Appropriation**

\$438,875,286

### **Students Eligible for Transportation Funding**

Students in membership in kindergarten through grade 12 and in Exceptional Student Education programs are eligible for transportation funding if one of the following conditions is met:

- (1) The student lives two or more miles from the school.
- (2) The student is classified as a student with a disability under the Individuals with Disabilities Education Act (IDEA), regardless of distance (excluding gifted students). Students in kindergarten through grade 12 who live less than two miles from their assigned school are eligible only if transportation services are required by the student's IEP.
- (3) The student/parent or infant is enrolled in the Teenage Parent Program (TAP), regardless of distance.
- (4) The student is enrolled in a state-funded prekindergarten program (IDEA or TAP), regardless of distance from home to school. Prekindergarten children not enrolled in IDEA programs, or whose parent or parents are not enrolled in a TAP program, are not eligible for state transportation funding. Prekindergarten students in the following programs are **ineligible** for transportation funding under section 1011.68, F.S., unless the students are also disabled or in a TAP program. These ineligible groups include, but are not limited to, students in Prekindergarten Title I, federally funded Prekindergarten Migrant Programs, Prekindergarten Early Intervention, Head Start, Voluntary Prekindergarten and Readiness Coalition programs.

- (5) The student is a career or exceptional student being transported from one school center to another where appropriate programs are provided. Dually enrolled students, as defined by section 1011.68(1)(d), F.S., who attend a university, state college or career center, are included.
- (6) The student meets the criteria for hazardous walking as stated in section 1006.23, F.S. Only elementary school students are eligible for funding under the hazardous walking category.
- (7) Summer transportation funding is only available for non-residential DJJ students and students with disabilities requiring extended school year services, as documented on their IEPs.

## **DISTRIBUTING STUDENT TRANSPORTATION DOLLARS**

The two major components of the state transportation funding formula are the district's base allocation factor and the district's ESE allocation factor. These factors are determined in the following manner:

### **District Base Allocation Factor**

#### **Base Allocation Students**



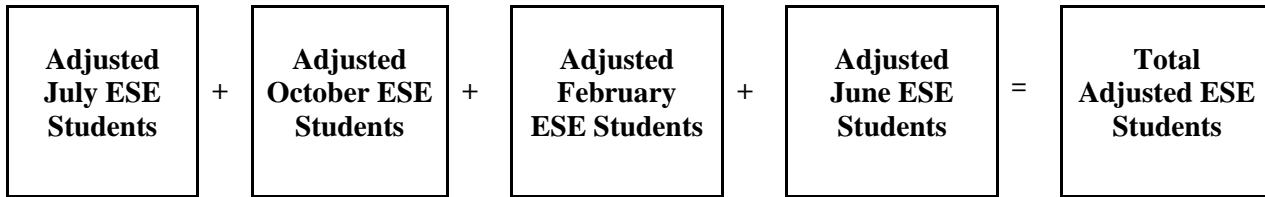
The adjusted student count is determined by applying an adjustment factor to the number of transported students equal to the number of days in term divided by 180 days.



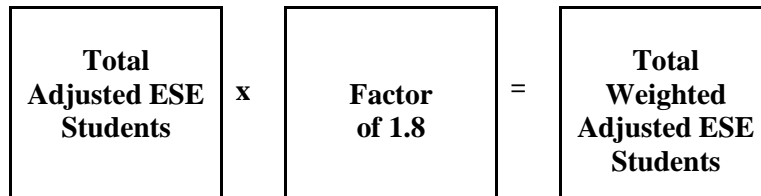
The district base allocation factor is determined by multiplying the district's total adjusted transported students by factors that make adjustments for the district's Florida Price Level Index (FPLI), the district's Average Bus Occupancy Index (ABO) and the district's Rural Index. Each factor is designed to affect the base allocation factor by no more or less than 10 percent.

## District Exceptional Student Education Allocation Factor

### Exceptional Student Education Allocation



The student count for the Exceptional Student Education allocation is determined by applying an adjustment factor to the number of transported students equal to the number of days in term divided by 180 days.

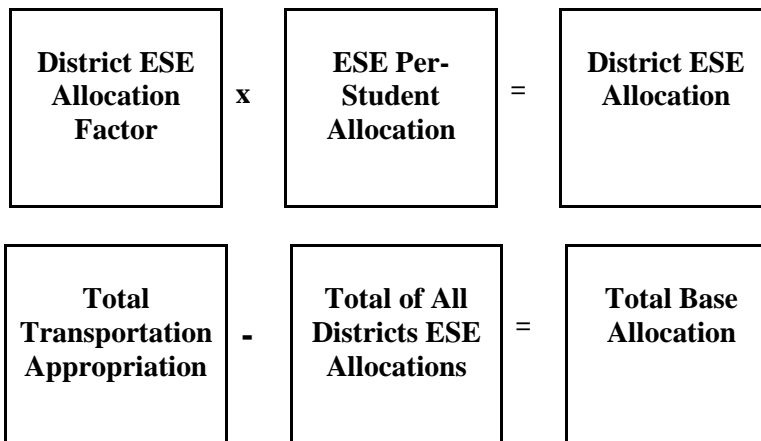


The district's total weighted adjusted transported ESE students are determined by multiplying the district's total adjusted ESE students by a factor of 1.8.

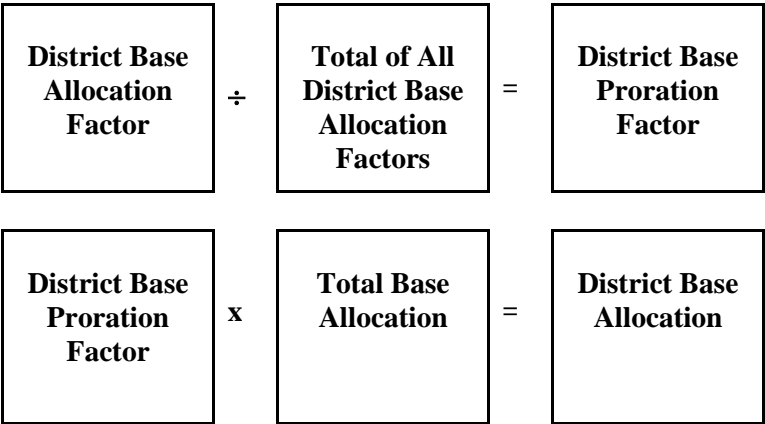


The district ESE allocation factor is determined by multiplying the district's total weighted adjusted transported ESE students by factors that make adjustments for the district's FPLI, the district's ABO and the district's Rurality Index. Each factor is designed to affect the district base allocation by no more or less than 10 percent.

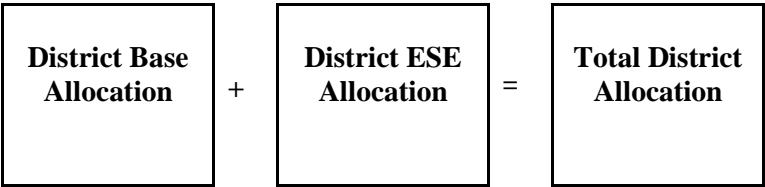
Using these major components, the amount of transportation dollars for each school district is calculated as follows:



The district’s ESE transportation allocation is determined by multiplying the district’s allocation factor by an average per-student allocation amount, as determined by the Florida Legislature. The sum of the districts’ ESE allocations is then subtracted from the total transportation appropriation to determine the total base allocation.



The district’s base proration factor is determined by dividing the district’s base allocation factor by the total state base allocation factor. To determine the district base allocation, the total base allocation is multiplied by the district base proration factor.



The total district allocation is determined by adding the district base allocation to the district ESE allocation.

## **STUDENT TRANSPORTATION CALCULATION SCHEDULE**

The transportation calculation is performed four times throughout the year in order to establish each school district's transportation categorical allocation. These calculations are scheduled as follows:

- (1) First Calculation – This calculation is completed immediately after the annual legislative session. It is based on each school district's number of eligible students transported from the transportation surveys for July, preceding fiscal year; October, preceding fiscal year; February, preceding year; and June, second preceding fiscal year.
- (2) Second Calculation – This calculation is completed upon receipt of the transported student count for the October survey. It is based on each school district's number of eligible students transported from the transportation surveys for July, current fiscal year; October, current fiscal year; and June, preceding fiscal year. The October transported student count is used for the February count.
- (3) Third Calculation – This calculation is completed upon receipt of the transported student count for the February survey. It is based on each school district's number of eligible students transported from the transportation surveys for July, current fiscal year; October, current fiscal year; February, current fiscal year; and June, preceding fiscal year.
- (4) Final Calculation – This calculation is completed upon receipt of the transported student count for the June survey. It is based on each school district's number of eligible students transported from the transportation surveys for July, current fiscal year; October, current fiscal year; February, current fiscal year; and June, current fiscal year.

Upon request, districts are sent a detailed report of the input data and results.

2017-18 FEFP Second Calculation  
Prekindergarten through Grade 12 Funding Summary - Page 1

District	2017-18 Unweighted FTE	2017-18 Funded Weighted FTE <sup>1</sup>	\$4,203.95 Times Funded Weighted FTE	District Cost Differential	Base Funding <sup>2</sup>	Declining Enrollment Supplement	Sparsity Supplement	State Funded Discretionary Contribution	0.748 Mills Compression
District	-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-
1 Alachua	28,862.23	31,212.91	131,217,513	0.9702	127,307,231	0	0	0	3,152,333
2 Baker	4,821.21	5,041.84	21,195,643	0.9762	20,691,187	26,937	725,153	0	1,686,749
3 Bay	27,669.05	31,186.72	131,107,412	0.9636	126,335,102	0	0	0	1,566,068
4 Bradford	3,127.47	3,317.25	13,945,553	0.9716	13,549,499	4,734	1,035,203	0	827,466
5 Brevard	72,961.00	80,201.39	337,162,633	0.9891	333,487,560	0	0	0	7,903,136
6 Broward	272,510.56	296,721.23	1,247,401,215	1.0260	1,279,833,647	0	0	0	0
7 Calhoun	2,154.44	2,309.86	9,710,536	0.9300	9,030,798	9,414	1,657,362	0	731,497
8 Charlotte	15,427.48	16,829.58	70,750,713	0.9840	69,618,702	56,989	0	0	0
9 Citrus	15,057.52	16,099.42	67,681,157	0.9480	64,161,737	0	2,076,413	0	565,862
10 Clay	37,033.78	40,307.80	169,451,976	0.9925	168,181,086	0	0	0	10,132,813
11 Collier	46,529.44	51,470.67	216,380,123	1.0378	224,559,292	0	0	0	0
12 Columbia	9,888.11	10,385.82	43,661,468	0.9475	41,369,241	167,985	1,396,941	0	2,880,505
13 Miami-Dade	352,443.52	384,123.70	1,614,836,829	1.0196	1,646,487,631	668,924	0	0	0
14 DeSoto	4,932.69	5,208.96	21,898,207	0.9752	21,355,131	0	704,951	0	1,210,630
15 Dixie	2,194.81	2,354.22	9,897,023	0.9279	9,183,448	0	1,069,555	0	695,645
16 Duval	129,558.57	140,300.11	589,814,647	1.0114	596,538,534	0	0	0	17,268,862
17 Escambia	39,627.08	42,903.52	180,364,253	0.9696	174,881,180	308,868	0	0	6,554,715
18 Flagler	12,952.80	13,673.82	57,484,056	0.9520	54,724,821	0	1,217,110	0	0
19 Franklin	1,272.64	1,374.94	5,780,179	0.9178	5,305,048	2,474	182,256	0	0
20 Gadsden	5,060.10	5,360.38	22,534,770	0.9467	21,333,667	243,182	2,129,955	0	1,386,316
21 Gilchrist	2,690.08	2,973.64	12,501,034	0.9447	11,809,575	0	1,906,575	0	807,535
22 Glades	1,805.47	1,927.44	8,102,861	0.9745	7,896,238	0	1,023,979	0	424,285
23 Gulf	1,921.95	2,088.63	8,780,496	0.9356	8,215,032	0	1,202,579	0	0
24 Hamilton	1,621.82	1,724.69	7,250,511	0.9289	6,735,000	0	986,846	0	237,807
25 Hardee	5,265.77	5,543.78	23,305,774	0.9673	22,543,675	16,780	617,993	0	1,422,074
26 Hendry	7,372.59	7,882.74	33,138,645	0.9870	32,707,843	0	1,944,598	0	2,161,054
27 Hernando	22,312.57	24,106.70	101,343,361	0.9710	98,404,404	0	2,191,163	0	4,226,670
28 Highlands	12,239.26	12,913.78	54,288,885	0.9483	51,482,150	45,847	2,674,056	0	2,282,867
29 Hillsborough	213,533.97	232,791.25	978,642,775	1.0080	986,471,917	0	0	0	36,952,054
30 Holmes	3,089.87	3,231.65	13,585,695	0.9354	12,708,059	83,634	2,365,611	0	1,142,356
31 Indian River	17,540.92	18,877.69	79,360,865	1.0010	79,440,226	0	0	0	0
32 Jackson	6,382.24	6,874.47	28,899,928	0.9231	26,677,524	48,485	3,207,892	0	1,927,228
33 Jefferson	689.19	738.37	3,104,071	0.9447	2,932,416	36,057	439,194	0	0
34 Lafayette	1,216.29	1,309.98	5,507,090	0.9168	5,048,900	0	886,322	0	391,402
35 Lake	42,040.08	45,670.48	191,996,414	0.9748	187,158,104	0	0	0	5,429,476
36 Lee	92,719.58	99,933.89	420,117,077	1.0079	423,436,002	0	0	0	0
37 Leon	33,872.57	36,724.90	154,389,643	0.9670	149,294,785	16,928	0	0	4,416,983
38 Levy	5,398.15	5,843.32	24,565,025	0.9435	23,177,101	40,861	3,111,962	0	1,298,471
39 Liberty	1,365.17	1,567.58	6,590,028	0.9269	6,108,297	4,781	996,770	0	489,973
40 Madison	2,731.15	2,869.08	12,061,469	0.9194	11,089,315	0	1,051,633	0	807,464
41 Manatee	48,978.74	52,659.46	221,377,737	0.9926	219,739,542	0	0	0	0
42 Marion	42,807.96	45,496.88	191,266,609	0.9497	181,645,899	0	0	0	7,856,117
43 Martin	18,914.79	20,907.02	87,892,067	1.0110	88,858,880	0	0	0	0
44 Monroe	8,191.05	8,841.77	37,170,359	1.0206	37,936,068	21,494	0	0	0
45 Nassau	11,851.18	12,645.60	53,161,470	0.9893	52,592,642	0	2,777,375	0	0
46 Okaloosa	31,231.46	34,084.97	143,291,510	0.9875	141,500,366	0	0	0	2,702,458
47 Okeechobee	6,523.21	6,900.30	29,008,516	0.9765	28,326,816	0	612,937	0	1,842,350
48 Orange	201,302.62	224,098.84	942,100,318	1.0025	944,455,569	0	0	0	3,675,786
49 Osceola	64,569.98	70,514.53	296,439,558	0.9839	291,666,881	0	0	0	13,962,612
50 Palm Beach	192,148.39	212,812.62	894,653,614	1.0426	932,765,858	0	0	0	0
51 Pasco	73,181.07	79,903.64	335,910,907	0.9864	331,342,519	0	0	0	16,234,489
52 Pinellas	100,804.33	109,446.47	460,107,488	1.0056	462,684,090	268,986	0	0	0
53 Polk	101,592.85	108,841.14	457,562,711	0.9709	444,247,636	0	0	0	24,577,342
54 Putnam	10,897.80	11,476.74	48,247,641	0.9623	46,428,705	35,439	2,896,488	0	2,606,100
55 St. Johns	39,471.63	42,915.06	180,412,766	0.9954	179,582,867	0	0	0	787,064
56 St. Lucie	39,581.55	41,944.87	176,334,136	0.9949	175,434,832	0	0	0	4,081,649
57 Santa Rosa	27,707.91	29,990.12	126,076,965	0.9661	121,802,956	0	0	0	6,490,024
58 Sarasota	42,936.88	47,501.29	199,693,048	1.0113	201,949,579	0	0	0	0
59 Seminole	67,703.53	73,061.81	307,148,196	0.9921	304,721,725	0	0	0	9,042,483
60 Sumter	8,416.58	8,847.27	37,193,481	0.9576	35,616,477	0	0	0	0
61 Suwannee	6,050.35	6,385.57	26,844,617	0.9295	24,952,072	0	2,077,729	0	1,654,952
62 Taylor	2,607.88	2,863.32	12,037,254	0.9201	11,075,477	33,065	1,102,682	0	274,975
63 Union	2,258.19	2,384.74	10,025,328	0.9630	9,654,391	32,033	1,056,479	0	918,699
64 Volusia	62,701.63	68,387.27	287,496,664	0.9617	276,485,542	0	0	0	5,563,516
65 Wakulla	5,157.47	5,522.07	23,214,506	0.9472	21,988,780	0	657,454	0	1,599,125
66 Walton	9,249.06	9,696.50	40,763,601	0.9653	39,349,104	0	0	0	0
67 Washington	3,097.84	3,325.51	13,980,278	0.9337	13,053,386	37,944	1,960,355	0	859,341
68 Washington Special	171.93	172.09	723,458	0.9337	675,493	0	0	0	0
69 FAMU Lab School	567.43	590.23	2,481,297	0.9670	2,399,414	0	437,652	203,929	73,993
70 FAU - Palm Beach	1,134.79	1,165.48	4,899,620	1.0426	5,108,344	0	580,393	806,461	0
71 FAU - St. Lucie	1,422.79	1,504.93	6,326,650	0.9949	6,294,384	0	0	550,150	146,718
72 FSU Lab - Broward	690.36	736.78	3,097,386	1.0260	3,177,918	0	0	351,952	0
73 FSU Lab - Leon	1,736.48	1,819.00	7,646,985	0.9670	7,394,634	0	993,745	624,074	226,437
74 UF Lab School	1,155.02	1,216.76	5,115,198	0.9702	4,962,765	0	844,639	439,566	126,151
75 Virtual School	32,398.47	33,029.08	138,852,601	1.0000	138,852,601	0	0	15,653,969	214,478
Total	2,829,107.39	3,077,667.93	12,938,362,093		12,949,995,469	2,211,841	52,800,000	18,630,101	226,497,155

1. Additional Weighted FTE for the Small District Supplement, Isolated Schools, Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, Early High School Graduation and Industry Certified Career Education Supplement Additional FTE are included in the Weighted FTE.
2. Weighted FTE x BSA x DCD (column 2 x column 3 x column 4)



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District	Teachers Classroom Supply Assistance							
	Safe Schools	ESE Guaranteed Allocation	Supplemental Academic Instruction	Reading Allocation	DJJ Supplemental Allocation	Instructional Materials	Transportation	
	-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-
1 Alachua	806,589	11,863,267	8,367,354	1,308,198	199,106	2,434,661	3,684,387	467,362
2 Baker	126,951	1,168,246	1,889,125	308,930	0	387,522	1,235,615	78,069
3 Bay	734,558	9,466,310	8,118,478	1,299,087	155,028	2,293,743	3,903,427	448,041
4 Bradford	108,926	1,164,107	926,317	241,994	0	258,712	746,655	50,643
5 Brevard	1,665,082	29,910,859	19,545,452	3,240,642	198,259	6,170,923	10,281,590	1,181,448
6 Broward	5,961,715	97,836,130	62,357,674	12,110,356	403,991	22,121,696	32,826,313	4,412,729
7 Calhoun	84,728	863,384	488,990	199,642	0	176,382	458,091	34,887
8 Charlotte	349,566	6,342,259	3,430,269	767,508	0	1,310,987	3,252,813	249,815
9 Citrus	310,246	6,807,576	3,306,710	716,362	150,554	1,205,164	3,692,560	243,824
10 Clay	579,703	12,095,414	9,816,116	1,691,292	121,842	3,019,555	7,134,905	599,683
11 Collier	745,347	22,021,956	10,711,244	2,219,702	173,096	3,921,687	7,175,310	753,445
12 Columbia	283,774	4,197,496	3,826,020	502,737	0	808,239	2,052,568	160,117
13 Miami-Dade	9,598,084	137,834,379	118,733,550	15,546,854	562,155	27,528,323	20,689,001	5,707,073
14 DeSoto	152,815	2,158,649	1,846,008	315,153	45,876	387,833	820,819	79,874
15 Dixie	104,274	601,780	485,359	201,073	0	186,648	590,211	35,540
16 Duval	3,395,927	49,717,843	33,380,203	5,706,111	394,954	10,442,141	19,911,797	2,097,925
17 Escambia	1,222,942	14,691,515	11,044,003	1,754,090	202,424	3,103,847	10,090,591	641,676
18 Flagler	280,776	6,162,831	2,776,584	627,913	0	1,090,695	2,603,325	209,743
19 Franklin	88,006	470,324	281,500	164,722	0	111,377	337,436	20,608
20 Gadsden	161,348	1,655,147	1,398,859	314,952	0	416,589	1,522,338	81,938
21 Gilchrist	82,819	1,063,774	594,423	225,688	0	244,394	457,429	43,560
22 Glades	89,470	628,375	340,562	189,008	0	166,330	213,323	29,236
23 Gulf	95,865	191,630	388,770	191,996	0	162,531	381,483	31,122
24 Hamilton	99,983	571,226	349,359	178,124	0	127,403	323,803	26,262
25 Hardee	132,030	1,890,354	1,166,886	326,293	0	418,280	1,124,354	85,268
26 Hendry	209,366	2,536,525	1,600,383	421,557	0	594,331	1,505,731	119,383
27 Hernando	489,435	9,522,533	5,353,664	1,037,304	0	1,818,955	4,986,871	361,305
28 Highlands	313,955	4,327,659	2,731,724	597,521	0	992,427	2,511,095	198,189
29 Hillsborough	3,472,788	84,087,772	50,974,423	9,360,797	524,713	17,121,289	32,432,933	3,457,728
30 Holmes	99,817	1,060,506	675,386	234,107	0	256,446	729,802	50,034
31 Indian River	425,252	5,321,360	4,010,841	859,561	0	1,405,734	3,755,621	284,038
32 Jackson	172,272	2,277,473	1,287,779	365,037	51,570	524,223	1,575,197	103,363
33 Jefferson	85,883	458,646	297,176	142,484	0	55,628	177,150	11,160
34 Lafayette	76,100	275,365	210,158	162,321	0	101,485	196,128	19,695
35 Lake	875,776	13,781,270	10,349,162	1,869,156	0	3,332,631	8,811,203	680,750
36 Lee	1,630,853	42,245,920	20,136,051	4,083,692	264,125	7,720,110	22,519,860	1,501,396
37 Leon	1,221,290	17,761,898	9,803,641	1,514,279	143,563	2,657,665	5,093,465	548,494
38 Levy	170,701	2,011,356	1,253,309	332,229	0	434,010	1,398,154	87,412
39 Liberty	72,306	492,162	285,517	172,251	220,862	110,558	286,741	22,106
40 Madison	120,905	1,288,563	739,278	218,936	105,121	233,154	595,746	44,225
41 Manatee	1,096,462	21,172,474	11,622,570	2,174,529	243,537	4,107,114	7,318,097	793,106
42 Marion	872,116	16,547,387	13,349,904	1,817,493	242,439	3,443,229	10,277,921	693,184
43 Martin	370,693	7,321,240	4,167,341	947,838	44,524	1,748,581	2,896,883	306,285
44 Monroe	292,438	3,094,061	1,790,129	470,559	0	635,023	1,059,841	132,637
45 Nassau	213,329	3,302,777	2,613,625	607,929	0	1,035,294	2,797,727	191,905
46 Okaloosa	628,532	12,607,330	8,744,103	1,441,225	257,027	2,602,961	6,574,232	505,727
47 Okeechobee	189,494	2,885,506	1,977,923	380,496	250,081	533,852	1,660,003	105,629
48 Orange	4,935,115	58,525,301	47,775,069	8,966,995	412,564	16,603,471	30,201,529	3,259,668
49 Osceola	1,090,209	17,769,828	13,880,962	2,848,674	47,518	5,588,840	11,435,779	1,045,573
50 Palm Beach	4,313,782	73,650,788	40,974,578	8,857,432	253,514	15,538,688	26,824,044	3,111,434
51 Pasco	1,369,171	30,166,376	20,862,262	3,220,538	176,726	6,146,563	16,026,255	1,185,012
52 Pinellas	3,221,465	45,372,628	23,198,747	4,451,548	383,892	8,102,973	12,482,543	1,632,312
53 Polk	1,880,896	36,677,414	25,260,683	4,278,751	336,055	8,266,149	22,643,863	1,645,080
54 Putnam	297,269	3,507,738	2,972,164	550,157	0	856,892	2,550,583	176,467
55 St. Johns	586,631	12,719,644	7,850,323	1,798,157	244,743	3,438,208	9,114,027	639,159
56 St. Lucie	749,921	16,349,309	10,265,959	1,759,279	116,310	3,265,718	9,631,282	640,939
57 Santa Rosa	386,002	9,810,583	8,021,453	1,256,609	0	2,476,513	6,593,892	448,671
58 Sarasota	952,133	23,158,267	8,758,112	2,007,791	0	3,586,379	6,387,727	695,271
59 Seminole	1,243,972	20,662,822	16,579,718	2,971,032	0	5,373,268	11,610,582	1,096,315
60 Sumter	207,839	3,721,377	1,700,842	448,819	0	710,545	1,026,615	136,289
61 Suwannee	145,933	441,598	1,269,309	348,865	0	495,480	1,336,652	97,973
62 Taylor	123,245	1,032,163	588,315	218,806	0	220,759	518,786	42,229
63 Union	84,431	601,891	504,119	205,487	41,598	186,517	471,975	36,567
64 Volusia	1,614,640	24,140,540	16,914,414	2,706,386	231,373	5,126,829	10,516,944	1,015,319
65 Wakulla	136,596	1,599,546	964,660	321,092	0	426,386	1,777,768	83,514
66 Walton	222,322	2,855,666	1,587,184	483,803	57,473	859,095	2,206,813	149,769
67 Washington	108,596	742,172	858,989	237,344	0	259,567	847,082	50,163
68 Washington Special	1,215	43,591	87,455	121,331	199,390	15,345	0	2,784
69 FAMU Lab School	66,669	51,888	326,688	137,489	0	56,731	0	9,188
70 FAU - Palm Beach	70,678	106,771	297,008	162,878	0	261,900	0	18,375
71 FAU - St. Lucie	72,713	186,472	424,858	173,995	0	108,105	0	23,039
72 FSU Lab - Broward	67,538	165,781	143,443	144,785	0	52,151	0	11,179
73 FSU Lab - Leon	74,930	307,044	294,562	184,307	0	150,472	0	28,119
74 UF Lab School	70,821	229,557	301,853	161,514	0	104,016	0	18,703
75 Virtual School	0	419,005	0	1,416,408	0	2,505,336	0	0
Total	64,456,019	1,060,770,374	712,207,631	130,000,000	7,456,003	230,743,258	438,875,286	45,286,750

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	Virtual Education Contribution	Digital Classrooms Allocation	Federally Connected Student Supplement	Gross State & Local FEFP	Required Local Effort Taxes	Net State FEFP
District	-1-	-2-	-3-	-4-	-5-	-6-
1 Alachua	63,072	948,923	0	160,602,483	64,172,635	96,429,848
2 Baker	94	574,989	0	28,899,567	3,752,738	25,146,829
3 Bay	4,899	930,364	890,714	156,145,819	68,951,677	87,194,142
4 Bradford	5,415	548,645	0	19,468,316	4,043,441	15,424,875
5 Brevard	22,487	1,634,835	2,501,028	417,743,301	160,446,482	257,296,819
6 Broward	0	4,738,628	0	1,522,602,879	782,307,293	740,295,586
7 Calhoun	20,242	533,510	0	14,288,927	1,829,866	12,459,061
8 Charlotte	0	739,959	0	86,118,867	71,250,974	14,867,893
9 Citrus	4,271	734,205	0	83,975,484	39,425,778	44,549,706
10 Clay	36,134	1,076,023	579,411	215,063,977	44,793,061	170,270,916
11 Collier	0	1,223,719	0	273,504,798	246,121,859	27,382,939
12 Columbia	32,556	653,800	0	58,331,979	11,316,232	47,015,747
13 Miami-Dade	0	5,981,905	82,971	1,989,420,850	1,281,821,103	707,599,747
14 DeSoto	1,184	576,723	0	29,655,646	6,914,780	22,740,866
15 Dixie	9,997	534,138	0	13,697,668	2,168,063	11,529,605
16 Duval	6,778	2,515,154	533,465	741,909,694	260,820,987	481,088,707
17 Escambia	106,384	1,116,359	1,861,900	227,580,494	75,149,207	152,431,287
18 Flagler	53,230	701,468	0	70,448,496	37,389,789	33,058,707
19 Franklin	0	519,795	0	7,483,546	6,735,785	747,761
20 Gadsden	2,429	578,705	0	31,225,425	6,261,798	24,963,627
21 Gilchrist	9,021	541,841	0	17,786,786	2,919,130	14,867,656
22 Glades	63	528,082	283,402	11,812,353	2,548,562	9,263,791
23 Gulf	2,420	529,894	0	11,393,322	7,192,621	4,200,701
24 Hamilton	6,920	525,226	0	10,167,959	3,209,031	6,958,928
25 Hardee	15,749	581,904	0	30,341,640	6,745,848	23,595,792
26 Hendry	174	614,673	0	44,415,618	8,131,901	36,283,717
27 Hernando	78,955	847,050	0	129,318,309	39,162,939	90,155,370
28 Highlands	18,378	690,369	0	68,866,237	21,308,031	47,558,206
29 Hillsborough	0	3,821,307	1,222,526	1,229,900,247	393,149,553	836,750,694
30 Holmes	30,512	548,060	0	19,984,330	2,111,619	17,872,711
31 Indian River	0	772,831	0	96,275,464	72,891,166	23,384,298
32 Jackson	13,482	599,285	0	38,830,810	6,751,271	32,079,539
33 Jefferson	930	510,720	0	5,147,444	2,639,310	2,508,134
34 Lafayette	3,562	518,918	0	7,890,356	1,154,375	6,735,981
35 Lake	28,780	1,153,891	0	233,470,199	87,764,871	145,705,328
36 Lee	0	1,942,160	68,481	525,548,650	347,279,575	178,269,075
37 Leon	30,585	1,026,854	0	193,530,430	70,258,664	123,271,766
38 Levy	2,011	583,963	0	33,901,540	7,765,306	26,136,234
39 Liberty	190	521,234	0	9,783,748	997,494	8,786,254
40 Madison	3,688	542,480	0	16,840,508	3,033,847	13,806,661
41 Manatee	10,644	1,261,815	0	269,539,890	149,947,055	119,592,835
42 Marion	108,861	1,165,835	0	238,020,385	75,352,412	162,667,973
43 Martin	0	794,201	0	107,456,466	92,320,555	15,135,911
44 Monroe	0	627,404	996,118	47,055,772	42,341,479	4,714,293
45 Nassau	4,351	684,333	0	66,821,287	35,203,039	31,618,248
46 Okaloosa	23,704	985,774	2,582,708	181,156,147	73,073,931	108,082,216
47 Okeechobee	17,245	601,462	0	39,383,794	7,880,756	31,503,038
48 Orange	0	3,631,060	0	1,122,442,127	531,958,376	590,483,751
49 Osceola	52,383	1,504,321	0	360,893,580	106,284,287	254,609,293
50 Palm Beach	0	3,488,675	26,271	1,109,805,064	778,249,536	331,555,528
51 Pasco	71,287	1,638,258	0	428,439,456	113,171,325	315,268,131
52 Pinellas	0	2,067,910	32,130	563,899,224	328,963,269	234,935,955
53 Polk	106,609	2,080,175	0	572,000,653	143,316,669	428,683,984
54 Putnam	17,620	669,504	0	63,565,126	14,994,348	48,570,778
55 St. Johns	19,969	1,113,942	0	217,894,734	106,489,562	111,405,172
56 St. Lucie	21,156	1,115,651	0	223,432,005	88,515,702	134,916,303
57 Santa Rosa	34,295	930,969	1,222,746	159,474,713	41,720,213	117,754,500
58 Sarasota	0	1,167,840	0	248,663,099	223,818,768	24,844,331
59 Seminole	100,825	1,553,060	0	374,955,802	139,031,409	235,924,393
60 Sumter	0	630,911	0	44,199,714	39,782,578	4,417,136
61 Suwannee	32,369	594,107	0	33,447,039	7,282,302	26,164,737
62 Taylor	0	540,563	0	15,771,065	5,747,413	10,023,652
63 Union	15,916	535,124	0	14,345,227	1,096,933	13,248,294
64 Volusia	68,005	1,475,261	0	345,858,769	143,351,127	202,507,642
65 Wakulla	1,984	580,219	0	30,137,124	5,356,068	24,781,056
66 Walton	0	643,860	0	48,415,089	43,569,456	4,845,633
67 Washington	13,696	548,184	0	19,576,819	3,883,533	15,693,286
68 Washington Special	0	2,674	0	1,149,278	0	1,149,278
69 FAMU Lab School	1,770	508,826	0	4,274,237	0	4,274,237
70 FAU - Palm Beach	0	517,651	0	7,930,459	0	7,930,459
71 FAU - St. Lucie	0	522,130	0	8,502,564	0	8,502,564
72 FSU Lab - Broward	0	510,738	0	4,625,485	0	4,625,485
73 FSU Lab - Leon	10,693	527,009	0	10,816,026	0	10,816,026
74 UF Lab School	2,181	517,965	0	7,779,731	0	7,779,731
75 Virtual School	10,801,326	0	0	169,863,123	0	169,863,123
Total	12,151,481	80,000,000	12,883,871	16,044,965,239	7,605,390,763	8,439,574,476

2017-18 FEFP Second Calculation  
Prekindergarten through Grade 12 Funding Summary - Page 4

	Net State FEFP	Lottery and School Recognition <sup>1</sup>	Class Size Reduction Allocation	Total State Funding	Required Local Effort Taxes	0.748 Discretionary Local Effort	Total Local Funding	Total State and Local Funding
District	-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-
1 Alachua	96,429,848	1,409,465	30,413,839	128,253,152	64,172,635	10,984,240	75,156,875	203,410,027
2 Baker	25,146,829	199,771	5,093,943	30,440,543	3,752,738	674,609	4,427,347	34,867,890
3 Bay	87,194,142	1,219,498	30,870,929	119,284,569	68,951,677	11,986,022	80,937,699	200,222,268
4 Bradford	15,424,875	114,130	3,404,170	18,943,175	4,043,441	704,353	4,747,794	23,690,969
5 Brevard	257,296,819	3,745,139	80,194,234	341,236,192	160,446,482	27,832,553	188,279,035	529,515,227
6 Broward	740,295,586	13,873,531	311,071,277	1,065,240,394	782,307,293	138,928,266	921,235,559	1,986,475,953
7 Calhoun	12,459,061	33,209	2,180,211	14,672,481	1,829,866	323,732	2,153,598	16,826,079
8 Charlotte	14,867,893	474,907	16,642,456	31,985,256	71,250,974	12,257,527	83,508,501	115,493,757
9 Citrus	44,549,706	426,544	15,395,513	60,371,763	39,425,778	6,809,162	46,234,940	106,606,703
10 Clay	170,270,916	1,475,687	39,766,512	211,513,115	44,793,061	8,006,024	52,799,085	264,312,200
11 Collier	27,382,939	2,913,929	54,173,850	84,470,718	246,121,859	63,658,074	309,779,933	394,250,651
12 Columbia	47,015,747	444,580	10,214,760	57,675,087	11,316,232	1,962,565	13,278,797	70,953,884
13 Miami-Dade	707,599,747	19,698,706	398,547,875	1,125,846,328	1,281,821,103	219,104,704	1,500,925,807	2,626,772,135
14 DeSoto	22,740,866	217,156	5,325,207	28,283,229	6,914,780	1,205,373	8,120,153	36,403,382
15 Dixie	11,529,605	75,175	2,273,223	13,878,003	2,168,063	379,348	2,547,411	16,425,414
16 Duval	481,088,707	6,888,007	146,321,520	634,298,234	260,820,987	46,187,050	307,008,037	941,306,271
17 Escambia	152,431,287	1,253,760	42,252,840	195,937,887	75,149,207	12,854,243	88,003,450	283,941,337
18 Flagler	33,058,707	201,240	13,142,652	46,402,599	37,389,789	6,395,509	43,785,298	90,187,897
19 Franklin	747,761	19,508	1,340,710	2,107,979	6,735,785	1,396,056	8,131,841	10,239,820
20 Gadsden	24,963,627	363,804	5,258,677	30,586,108	6,261,798	1,092,055	7,353,853	37,939,961
21 Gilchrist	14,867,656	162,528	2,875,446	17,905,630	2,919,130	510,046	3,429,176	21,334,806
22 Glades	9,263,791	29,037	2,009,294	11,302,122	2,548,562	460,020	3,008,582	14,310,704
23 Gulf	4,200,701	74,518	1,999,624	6,274,843	7,192,621	1,309,659	8,502,280	14,777,123
24 Hamilton	6,958,928	38,077	1,666,862	8,663,867	3,209,031	556,540	3,765,571	12,429,438
25 Hardee	23,595,792	221,892	5,559,833	29,377,517	6,745,848	1,157,050	7,902,898	37,280,415
26 Hendry	36,283,717	246,968	8,000,063	44,530,748	8,131,901	1,449,979	9,581,880	54,112,628
27 Hernando	90,155,370	750,135	23,686,506	114,592,011	39,162,939	6,701,871	45,864,810	160,456,821
28 Highlands	47,558,206	317,869	12,645,900	60,521,975	21,308,031	3,711,786	25,019,817	85,541,792
29 Hillsborough	836,750,694	9,805,221	239,989,028	1,086,544,943	393,149,553	67,634,744	460,784,297	1,547,329,240
30 Holmes	17,872,711	168,109	3,056,456	21,097,276	2,111,619	371,034	2,482,653	23,579,929
31 Indian River	23,384,298	847,825	19,241,292	43,473,415	72,891,166	12,694,434	85,585,600	129,059,015
32 Jackson	32,079,539	143,105	6,473,457	38,696,101	6,751,271	1,199,228	7,950,499	46,646,600
33 Jefferson	2,508,134	43,649	702,179	3,253,962	2,639,310	452,799	3,092,109	6,346,071
34 Lafayette	6,735,981	18,566	1,213,384	7,967,931	1,154,375	204,324	1,358,699	9,326,630
35 Lake	145,705,328	1,306,733	45,474,615	192,486,676	87,764,871	15,161,229	102,926,100	295,412,776
36 Lee	178,269,075	3,047,112	101,832,320	283,148,507	347,279,575	58,863,612	406,143,187	689,291,694
37 Leon	123,271,766	1,908,176	36,286,030	161,465,972	70,258,664	12,173,611	82,432,275	243,898,247
38 Levy	26,136,234	161,735	5,608,532	31,906,501	7,765,306	1,345,483	9,110,789	41,017,290
39 Liberty	8,786,254	22,462	1,325,552	10,134,268	997,494	178,670	1,176,164	11,310,432
40 Madison	13,806,661	74,008	2,662,976	16,543,645	3,033,847	530,214	3,564,061	20,107,706
41 Manatee	119,592,835	1,712,233	53,634,520	174,939,588	149,947,055	25,742,575	175,689,630	350,629,218
42 Marion	162,667,973	935,719	43,900,436	207,504,128	75,352,412	13,110,864	88,463,276	295,967,404
43 Martin	15,135,911	739,875	21,415,613	37,291,399	92,320,555	16,115,700	108,436,255	145,727,654
44 Monroe	4,714,293	418,339	9,288,426	14,421,058	42,341,479	19,696,161	62,037,640	76,458,698
45 Nassau	31,618,248	969,007	12,657,637	45,244,892	35,203,039	6,086,887	41,289,926	86,534,818
46 Okaloosa	108,082,216	2,040,751	33,911,002	144,033,969	73,073,931	12,594,309	85,668,240	229,702,209
47 Okeechobee	31,503,038	346,342	6,717,491	38,566,871	7,880,756	1,352,640	9,233,396	47,800,267
48 Orange	590,483,751	9,198,178	229,070,996	828,752,925	531,958,376	94,920,054	626,878,430	1,455,631,355
49 Osceola	254,609,293	2,466,304	70,399,656	327,475,253	106,284,287	17,662,885	123,947,172	451,422,425
50 Palm Beach	331,555,528	12,186,186	222,543,649	566,285,363	778,249,536	136,554,223	914,803,759	1,481,089,122
51 Pasco	315,268,131	2,456,786	80,124,637	397,849,554	113,171,325	19,609,023	132,780,348	530,629,902
52 Pinellas	234,935,955	4,752,862	111,565,928	351,254,745	328,963,269	57,829,501	386,792,770	738,047,515
53 Polk	428,683,984	4,038,978	108,379,915	541,102,877	143,316,669	25,182,257	168,498,926	709,601,803
54 Putnam	48,570,778	520,869	11,441,721	60,533,368	14,994,348	2,731,557	17,725,905	78,259,273
55 St. Johns	111,405,172	3,347,659	42,175,179	156,928,010	106,489,562	18,545,796	125,035,358	281,963,368
56 St. Lucie	134,916,303	1,617,491	42,432,264	178,966,058	88,515,702	15,305,073	103,820,775	282,786,833
57 Santa Rosa	117,754,500	1,527,490	29,581,416	148,863,406	41,720,213	7,081,171	48,801,384	197,664,790
58 Sarasota	24,844,331	2,740,680	48,204,691	75,789,702	223,818,768	42,266,205	266,084,973	341,874,675
59 Seminole	235,924,393	3,147,374	72,096,386	311,168,153	139,031,409	24,117,693	163,149,102	474,317,255
60 Sumter	4,417,136	486,548	8,696,838	13,600,522	39,782,578	8,538,700	48,321,278	61,921,800
61 Suwannee	26,164,737	247,694	6,043,383	32,455,814	7,282,302	1,308,470	8,590,772	41,046,586
62 Taylor	10,023,652	40,728	2,706,172	12,770,552	5,747,413	1,002,347	6,749,760	19,520,312
63 Union	13,248,294	35,502	2,298,725	15,582,521	1,096,933	187,330	1,284,263	16,866,784
64 Volusia	202,507,642	2,015,976	66,884,867	271,408,485	143,351,127	25,146,961	168,498,088	439,906,573
65 Wakulla	24,781,056	187,526	5,401,687	30,370,269	5,356,068	926,964	6,283,032	36,653,301
66 Walton	4,845,633	520,808	9,671,999	15,038,440	43,569,456	13,269,525	56,838,981	71,877,421
67 Washington	15,693,286	183,686	3,193,823	19,070,795	3,883,533	657,958	4,541,491	23,612,286
68 Washington Special	1,149,278	2,484	0	1,151,762	0	0	0	1,151,762
69 FAMU Lab School	4,274,237	55,234	593,703	4,923,174	0	0	0	4,923,174
70 FAU - Palm Beach	7,930,459	126,779	1,213,008	9,270,246	0	0	0	9,270,246
71 FAU - St. Lucie	8,502,564	164,299	1,620,957	10,287,820	0	0	0	10,287,820
72 FSU Lab - Broward	4,625,485	79,259	878,046	5,582,790	0	0	0	5,582,790
73 FSU Lab - Leon	10,816,026	197,152	1,680,161	12,693,339	0	0	0	12,693,339
74 UF Lab	7,779,731	130,004	1,116,027	9,025,762	0	0	0	9,025,762
75 Virtual School	169,863,123	510,604	0	170,373,727	0	0	0	170,373,727
State	8,439,574,476	134,582,877	3,097,734,706	11,671,892,059	7,605,390,763	1,366,950,627	8,972,341,390	20,644,233,449

1. Distributed under revenue code 3344 for Discretionary Lottery and revenue code 3361 for School Recognition. Not considered FEFP for reporting and funds distribution.

## **EXHIBIT B**

### **Academy for Positive Learning Charter Contract**

**MODEL CHARTER**

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### **SIGNATURE PAGE**

### **EXHIBITS**

**ACRONYMS**  
In Alphabetical Order

ADA .....	Americans with Disabilities Act
CFR .....	Code of Federal Regulations
ESE .....	Exceptional Student Education
ESOL .....	English for Speakers of Other Languages
FAC .....	Florida Administrative Code
FDOE .....	Florida Department of Education
FEFP .....	Florida Education Finance Program
FERPA .....	Federal Educational Right to Privacy Act
FS .....	Florida Statutes
FTE .....	Full-Time Equivalent
GED .....	General Education Development
IDEA .....	Individuals with Disabilities Education Act
IEP .....	Individual Education Plan
ELL .....	English Language Learners
SAC .....	Study Attendance Code
WFTE .....	Weighted Full-Time Equivalent

# CHARTER SCHOOL CHARTER

Academy for Positive Learning

The School Board of Palm Beach County, Florida

THIS CHARTER SCHOOL CONTRACT (the "Charter") entered into **this** \_\_\_\_ day of \_\_\_\_, 2009\_\_, by and between the School Board of Palm Beach County, Florida, a corporate body politic operating and existing under the laws of the State of Florida (hereinafter referred to as the "Sponsor"), and **Academy for Positive Learning, Inc.**, a Florida not-for-profit corporation, organized and existing under the laws of the State of Florida, for the purpose of operating **Academy for Positive Learning, Inc. Charter School** (hereinafter referred to as the "Charter School").

**WHEREAS**, the Sponsor has the authority pursuant to Section 1002.33, F.S., to grant a not-for-profit organization a charter to operate a charter school within the Sponsor's School District; and

**WHEREAS**, this Charter School is a not-for-profit 501 (c) (3) corporation that has filed such status with the Internal Revenue Service as evidenced by the documents attached hereto as Exhibit M, and that desires to operate a charter school within the Sponsor's School District for the purposes set forth in its Charter School application, which is attached hereto as Exhibit L and incorporated herein by this reference; and

**WHEREAS**, this Charter School is approved by the Sponsor to provide educational services in accordance with the terms of the Charter; and

**WHEREAS**; it is the intent of the parties that this Charter serve as the agreement for the operation of the Charter School;

**NOW, THEREFORE**, in consideration of the mutual covenants and terms herein set forth, the parties agree to the following:



## GENERAL PROVISIONS

- A. The foregoing recitals are true and correct and are incorporated herein by reference.
- B. The Charter School's approved application to operate a charter school is appended hereto as Exhibit L. If any provision of this Charter is inconsistent with Exhibit L, the provisions of this Charter shall prevail.
- C. This Charter shall become effective upon the execution by both parties, and shall have a term of **15 years** commencing **July 1, 2009**, and ending **June 30, 2024**, unless amended by the parties hereto or otherwise terminated in accordance with the provisions of this Charter.
- D. For each school year, the initial start-up date of the Charter School shall be consistent with the beginning of the Sponsor's public school calendar for each school year, unless otherwise agreed by both parties in writing.
- E. In order to operate a charter school, this Charter School shall have "Authorized Facilities," which comply with the requirements of Section 1002.33 (18), F.S. All documents relevant to the Charter School's acquisition of a facility for the operation of the Charter School, including but not limited to the Building Code Approvals, Certificate of Occupancy, Local Jurisdictional Code Approvals (zoning approvals consistent with type of use, fire and health inspections), Occupational License (letter of exemption), and Lease Agreements, shall be attached hereto as Exhibit F and incorporated herein by this reference. The Lease Agreement ("Lease") shall contain a provision permitting the Sponsor, at its sole discretion, to assume the Lease for its use and benefit or terminate the Lease, if the Charter is terminated by the Sponsor and the Sponsor desires to assume the operation of the Charter School.
- F. This Charter may be modified during its term by mutual agreement in writing executed by both parties. In evaluating proposed modifications, the Sponsor will consider its need for conformity in the operation of its Charter Schools. These modifications will be reviewed with the Charter School prior to enactment, and then agreed to in writing and executed by both parties. In addition, this Charter shall be automatically modified to reflect any and all legislative changes to any and all applicable federal, state, and local regulations, statutes, ordinances, and laws.
- G. The Sponsor may refuse to renew this Charter at the end of the Charter period for any of the grounds listed below:
  - 1. Failure by the Charter School to meet the requirements for student performance stated in this Charter;
  - 2. Failure by the Charter School to meet generally accepted standards of fiscal management, as more specifically stated in Exhibit S;
  - 3. Violation of law by the Charter School;
  - 4. Failure by the Charter School to participate in the State of Florida's education

accountability system created in Section 1008.31, F.S.; or

5. Other good cause shown.
- H. The Sponsor may terminate the Charter during the term of the Charter, for any of the grounds listed below:
1. Failure to participate in the state's education accountability system created in Section 1008.31, F.S.;
  2. Failure by the Charter School to meet the requirements for student performance stated in this Charter;
  3. Failure by the Charter School to meet generally accepted standards of fiscal management as more specifically stated in Exhibit S;
  4. Habitual and repeated failure by the Charter School to submit financial reports, School Improvement Plan, the Annual Report, and any other District or State required documentation by the stated deadline,
  5. Violation of law by the Charter School;
  6. Insufficient progress has been made in attaining the student achievement objectives of the Charter and it is not likely that such objectives can be achieved before expiration of the Charter; or
  7. Other good cause shown.
- I. The Sponsor shall terminate the Charter during the term of the Charter, for any of the grounds listed below:
1. The Charter School does not implement a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research as stated in Sections 1002.33 (6) (a) 4 and (7) (a) 2 F.S.
- J. "Good cause" basis for termination shall include:
1. Failure to comply with the issues stated in the Educational and/or Financial Action Plan or **findings based on the requirements of Florida law during the Mid-Year Review and/or the End-of-Year Review or an audit performed by either the Sponsor or an independent qualified CPA firm.**
  2. Receiving a grade F in two (2) consecutive years.

"Good cause" basis for non-renewal shall include:

1. Failure to strictly comply with the issues stated in the Corrective Action Plan based upon either the Mid-Year Review and/or the End-of-Year Review if such issues are based on Florida law.
  2. Receiving a grade F in two (2) consecutive years.
- K. Except as set forth in Paragraph L below, the procedures for non-renewal or termination of a Charter are as follows:
1. At least ninety (90) calendar days prior to non-renewal or termination of this Charter, the Sponsor shall notify the Governing Body of the Charter School of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the Charter School's Governing Body may, within fourteen (14) calendar days after receipt of the notice, request for an informal hearing before the Sponsor.
  2. The Sponsor shall conduct an informal hearing within thirty (30) calendar days after receiving a written request.
  3. If the Charter is not renewed or terminated pursuant to the procedures in this section, the Sponsor shall, within ten (10) calendar days, articulate in writing the specific reasons for its nonrenewal or termination and must provide the letter of nonrenewal or termination and documentation supporting the reason to the Charter School Governing Body, the Charter School principal, and the Department of Education.
  4. The Charter School's Governing Body may, within thirty (30) calendar days after receiving the Sponsor's final written decision to refuse to renew or terminate the Charter, appeal the decision to the State Board of Education pursuant to Section 1002.33 (6), F.S.
- L. The Charter may be terminated immediately if the Sponsor determines that good cause has been shown, or if the health, safety, or welfare of the students is threatened. The Sponsor shall notify in writing the Charter School's Governing Body, the Charter School principal, and the Department of Education if the Charter is terminated immediately. The Sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. The Sponsor shall assume operation of the School under these circumstances. The Charter School's Governing Board may, within thirty (30) calendar days after receiving the Sponsor's decision to terminate the Charter, appeal the decision pursuant to the procedure established in Section 1002.33 (6), F.S.
- M. Notwithstanding any other provision of this Charter, the Sponsor may seek to terminate the Charter for "good cause", in the event of a material breach or default by the Charter School in the performance of any obligation required pursuant to this Charter, which breach or default has not been cured within ninety (90) working days notice thereof by the Sponsor.

Breach of this Charter shall also include, but not be limited to, the habitual and

repeated failure to timely provide reports, documentation, and audits as specified in the provisions of the Charter.

- N. If the Charter is not renewed or is terminated, the Charter School shall be dissolved, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the Charter School shall revert to the Sponsor. Property and improvements, furnishings, instructional and non-instructional materials, and equipment purchased with public funds, shall automatically and immediately revert to full ownership of the Sponsor, subject to complete satisfaction of any lawful liens or encumbrances. Unless otherwise shown by proper documentation, all properties in the Charter School shall be designated as purchased with public funds.

The Charter School agrees that in the event any public funds received by the Charter School from or through the Sponsor are used to purchase or improve real property, the Charter School will execute an agreement with the Sponsor providing for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Sponsor. Notwithstanding any language in this agreement to the contrary, in the event the Charter School enters into a financing agreement, mortgage or other purchase-money arrangement, the financier, mortgagee or lender may retain a first priority lienholder's interest or encumbrance upon the subject property. The reversion of such equipment, property and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations.

- O. If the Charter is not renewed or is terminated, the Charter School is responsible for all debts of the Charter School. The Sponsor shall not assume the debt from any contract for services made between the Governing Body of the Charter School and a third party. All contracts held by the Charter School must contain written statements regarding debt responsibility.
- P. The Charter School is strictly prohibited from entering into any agreement with a third party, which purports to make the terms of such agreement confidential.
- Q. If the Charter is not renewed or is terminated, a student who attended the Charter School may enroll in another public school in his/her Study Attendance Code (SAC) area. If enrolling in a school of choice/magnet school, the normal application deadlines shall be disregarded; however, school's assignment policy and procedures will be followed. The student must comply with the compulsory attendance Section 1003.21, F.S.
- R. The Charter School shall be accountable to the Sponsor for performance as provided in Sections 1002.33 (7) and (9), F.S.
- S. This Agreement is based on the understanding that the Governing Board will be responsible for the following:

The financial and administrative management of the Charter School, including a

reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the Charter School or those hired or retained to perform such professional services, a description of clearly delineated responsibilities of those operating the Charter School, and policies and practices needed to effectively manage the Charter School.

- T. The Charter School Governing Board and those hired or retained to perform such professional services must continually demonstrate and provide evidence that there are no substantial complaints against the Governing Board or Management Company from an affiliation with other Charter Schools.
- U. A description of the Charter School's internal audit procedures and establishment of controls to ensure that financial resources are properly managed is attached hereto as Exhibit S, and incorporated herein by this reference. Such internal audit procedures must ensure that, if a Charter School internal audit or annual financial audit reveals a state of financial emergency, as defined in Section 218.503 or deficit financial position, the auditors are required to notify the Charter School Governing Board, the Sponsor, and the Department of Education. The internal auditor shall report such findings in the form of an exit interview to the principal or the principal administrator of the Charter School and the Chair of the Governing Board within 7 working days after finding the state of emergency or deficit position. A final report shall be provided to the entire Governing Board, the Sponsor, and the Department of Education with fourteen (14) working days after the exit interview. If the Charter School is in a state of financial emergency, the Charter School shall file a detailed financial recovery plan with the Sponsor.
- V. General policies of the Sponsor may not apply to the Charter School.

## **PART I: ACCOUNTABILITY AND INSTRUCTION**

### **1.0 Guiding Principles and Mission**

- A. Pursuant to Section 1002.33 (2) (a) F.S., the Charter School shall be guided by the following principles:
  - 1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within Florida's public school system.
  - 2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.
  - 3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent at the Charter School.

### **B. Purpose**



Pursuant to Section 1002.33(2)(b), F.S., the Charter School shall fulfill the following purposes:

1. Improve student learning and academic achievement.
2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
3. Encourage the use of innovative learning methods.
4. Require the measurement of learning outcomes.

C. Students are identified by: **[Please identify target group.]**

Students in grade K – 8<sup>th</sup> will be enrolled during the school year and during the summer, VPK will be offered for eligible 3 and 4 year old residents of Palm Beach and surrounding counties.

C. The Charter School will provide innovative programs designed to:  
**[Please describe.]**

Our innovative approach to instruction will be the Lindamood Bell program which focuses on reading competencies as well as Howard Gardner's theory of multiple intelligences, and Dr. Spencer Kagan's cooperative structures which will afford opportunities and challenges designed to stimulate, stretch, match and celebrate each child's attitude toward interactive learning.

D. It is the mission of the Charter School to: **[Please describe.]**

The philosophy of the Academy for Positive Learning is the understanding that every child learns differently. We are dedicated to providing a positive educational and beneficial environment which focuses on the development of each child within a supportive community of teachers, parents and administrators.

E. The Charter School shall be non-sectarian and non-discriminatory in its programs, admission policies, employment practices, and operations.

**2.0 Students to be Served**

A. The parties agree that the students to be served by this Charter School are defined as students who are or whose parent(s) or legal guardian(s) are residents of Palm Beach County, Florida, or other districts with whom inter-district agreements exist.  
**[Please describe the student population to be served. INCLUDE TOTAL NUMBER, GRADES AND AGES OF STUDENTS TO BE SERVED]**

This school will provide a unique academic environment for approximately 150 culturally diverse students, up to 300 students at capacity, in Kindergarten through 8th

grades, ages 5-15 years old during the school year and PreK up to thirty-six (36) 3 or 4 year olds who qualify for the VPK program during the summer.

The school population will consist of the following:

Year 1-4	Grade(s) K-8	up to 200 students
Year 5-15	Grade(s) K-8	up to 300 students
Year 1 – 15	Pre-K (Summer VPK only)	up to 36 students

- B. The Charter School is available to all students residing in Palm Beach County including, but not limited to, those meeting the criteria of the Individuals with Disabilities Education Act (IDEA), English for Speakers of Other Languages (ESOL), Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973.

- C. The Charter School attendance zone for transportation purposes shall be:  
**[Please describe.]**

At this time, transportation is not the responsibility of Academy for Positive Learning. Academy for Positive Learning will provide reimbursement to parents for transportation of their children enrolled at the school whose homes are more than a reasonable walking distance from the charter school. A reasonable walking distance is defined for any student, who is not disabled, as not more than two miles distance between the home and the school or more than one and one-half miles from the home to the assigned school bus stop. The school may contract with the Sponsor for student transportation service, contract with a private transportation firm, or choose to provide transportation through Academy for Positive Learning resources in the future. If that is decided, transportation will be provided in accordance with State and Federal rules and regulations consistent with F.S. 1006.21 and 1006.27.

- D. Please explain the ways by which the Charter School will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in Palm Beach County.

Since inception, our racial and ethnic balance has reflected that of the community in which the school is located. Currently our population reflects the following demographics: 36% white; 7% black; 51% Hispanic; 2% Asian; and 4% multi-ethnic. Also, 81% of our students qualify for free and reduced lunch, therefore, we are currently a Title I school. Should racial or ethnic balance become an issue, recruitment efforts will be re-directed to target the low-enrolled group. ESOL and racially diverse populations may be accessed through radio talk shows, churches, and ethnic organizations in the community that are more racially and ethnically specific.

- A. The Charter School agrees to ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Sunshine State Standards and grounded in scientifically based reading research.
  - B. The Charter School agrees to implement a program of study consistent with the educational and behavioral needs of the students and consistent with the state educational goals established by Section 1008.22, F.S.
  - C. The Florida Department of Education (FDOE) Sunshine State Standards shall be used as the curriculum guidelines. FDOE course descriptions shall be incorporated for middle and high school course offerings.
  - D. The Charter School agrees to implement an instructional program consistent with the program as specified in the Student Progression Plan of the School District of Palm Beach County, which is attached hereto in Exhibit B.
- 
- E. Course content and numbers shall be consistent with the State Course Code Directory.
  - F. The school will comply with Section I, Article IX of the State Constitution and Section 1003.03, F. S., at its option or if required by an applicable law, order, rule or regulation.
  - G. To the extent that the students to be served are in grades K through 8, the Charter School agrees that it will provide 150 minutes of physical education each week for students in kindergarten through grade 5 and it will endeavor to provide 225 minutes of physical education each week for students in grades 6 through 8 unless exempt due to need for supplemental academic courses. Students enrolled in such instruction shall be reported through the periodic student membership surveys, and records of such enrollment shall be audited pursuant to section 1010.305, F.S. Such instruction may be provided by any instructional personnel as defined in section 1012.01(2), F.S., regardless of certification, who are designated by the school principal.
  - H. To the extent the students to be served are high school students, the Charter School agrees to comply with section 1003.428, F.S. relative to general requirements for high school graduation.

#### **4.0 Outcomes to be Achieved**

- A. The Charter School must comply with State Board of Education Rules 6A-1.09981 and 6A-1.09422 FAC. The Charter School shall be accountable for performance relative to the Student Performance Goal stated in Section 1008.345, F.S. The Charter School is accountable for the performance of its entire student population,



pursuant to Section 1008.34 (3) and (5), F.S. Beginning with the 2001-2002 school year and thereafter, a school's performance shall be rated using the same criteria as used by the Florida Department of Education in grading other schools. However, due to the fact that Charter Schools may be under enrolled compared to other District schools, the number of students shall not be a basis for not being graded and thus the school shall be accountable for their performance. The Sponsor may use the data received from the Florida Department of Education to determine a Charter School's grade.

B. The Charter School will establish a systematic method for assessing student progress using the District's Pupil Progression Plan and performance at each grade using valid and reliable procedures and following the requirements of the law pursuant to Sections 1008.34, 1000.03, 1008.345, and 1008.25, F.S. The District's Pupil Progression Plan includes:

1. Kindergarten – Kindergarten Readiness Survey, Concept of Print, and concepts of Print for Writing
2. First Grade – Concepts Print for Reading, Concepts for Writing, and Running Reading Records
3. Second Grade - Running Reading Records, Palm Beach Writes, the SRI, and the NRT
4. Third Grade – Running Reading Records, Palm Beach Writes, Scholastic Reading Inventory, Palm Beach County's Sunshine State Standards Diagnostic Assessment, FCAT, and NRT
5. Fourth Grade – FCAT, Scholastic Reading Inventory, Palm Beach County's Sunshine Stated Standards Diagnostic Assessment, and NRT
6. Fifth Grade – Palm Beach Write, FCAT, Scholastic Reading Inventory, Palm Beach County Sunshine State Standards Diagnostic Assessment, and NRT
7. Sixth Grade through Grade 12 – SRI, FCAT, and Palm Beach County Sunshine State Standards Diagnostic Assessment, and NRT

**[Explain in detail the systematic method to be used.]**

The Academy for Positive Learning will participate in all state-mandated accountability efforts. Academy for Positive Learning considers evaluation and assessment to be a broad and continuous effort. School organizers realize the importance of evaluating content, process and effect. Proper assessment verifies that students have successfully acquired crucial skills and knowledge. These skills and knowledge are of special value because they are the tools and the base upon which more complex future learning will be built. Assessment at Academy for Positive Learning assumes a variety of forms from simple daily observations by a teacher in a classroom to highly sophisticated program audit.

C. **[Describe any additional assessments that will be used by your Charter School.]**

Additionally, students will be assessed throughout the year using MI prescribed Intelligence based assessments.

- D. **The Charter School is responsible for the technology necessary to administer assessments.**
- E. **[Develop measurable educational objectives based on the areas tested and reported on the FCAT (if applicable) and any other tests required of the School. In the event your Charter School is not required to participate in the FCAT, you shall provide measurable objectives identifying expected student outcomes.]**

By June 2010, at least 70% of all students will continue to be proficient in reading using the Lindamood Bell system to supplement the standard reading curriculum. Those students who are already reading at or above grade level will continue to increase reading proficiency levels. All students at all levels will have attained rich experiences with good literature; wide range of literature based activities that focus on vocabulary comprehension, writing, study skills and strategies. Students will experience literature through experiential activities in the community as well as in the classroom. All students will also have had the opportunity to practice essential reading and writing skills. 80% of all students will have developed their language and literacy through listening, speaking, reading and writing experiences. We will use technology, multimedia software and hardware to record and play back student's voices. Students will listen to stories and replay them at their own pace, complete picture or work exercises to check comprehension or write and respond to literature.

A+ goal by June 2010, the percent of accountability students at grade 3-8 scoring level 3 or higher on FCAT SSS Mathematics, as reported by the FDOE will be at least 68%. By June 2010 70% of students in all subgroups will meet math expectations by applying the Kagan method and our Saxon Math Program. At least 90% of students will make a year's worth of progress in math.

By June 2010 all students will increase proficiency in writing by 1% as measured by FCAT percentile scores.

## **5.0 Instructional Methods and Strategies to be Used**

- A. The Charter School shall provide an innovative educational program that includes a variety of instructional methods and strategies designed to encourage student achievement, improve behavior and encourage attendance.
- B. Instructional methods and strategies shall include: **[Please describe in detail.]**

We offer our students the opportunity to engage in an interactive, multi-intelligence, multiage learning environment. The curriculum will include knowledge-based instruction supplemented by individually designed cognitive, emotional, and sensory-motor processing skills development in order to assist equally those children with mild reading impairments as well as challenge those children with superior learning abilities. To achieve these goals, students will be empowered to learn through positive, innovative developmental strategies integrated through all aspects of the curriculum which will provide each child with

the academic and social skills necessary to be creative, imaginative, and innovative thinkers and to succeed regardless of their level of ability. We will utilize a rigorous academic program characterized by individualization and high standards for all students taking advantage of each child's multiple intelligences. Diverse teaching methods will be respected and encouraged. Creativity in designing unique approaches to instruction will be valued. Such approaches will include developing personalized learning contracts and means of assessments, utilization of portfolios, and imaginative uses of technology. Learning may occur in isolated study, seminars, in cooperative learning groups, through the arts in song or dance allowing for the creativity of each child to facilitate learning in others.

- C. Students shall be supervised by a Florida certified teacher or by skilled instructional personnel at all times from arrival at Charter School to departure.
- D. During the school day, or any school-sponsored event, students shall be taught in an environment where discipline is consistent and designed to support appropriate behavior.
- E. The Charter School shall designate in writing one individual to be the chief administrator on site and responsible for the operations and management of the Charter School whenever students are present. Each person so designated shall be a certified teacher or one with credentials, qualifications, background, experience that is deemed appropriate by the Governing Board of the Charter School. In the event the chief administrator is off campus, a certified/qualified person(s) should be designated to be in charge. **Insert name of each designee, and indicate whether each designee is a Florida certified teacher or the chief administrator.]**

**Chief Administrator – Renatta Espinoza (FL certified teacher)**

**Designee – Nicole Handy (FL certified teacher)**

- F. The Charter School shall purchase and install the necessary firewalls to ensure that all of the Charter School's software and computers, including student computers and software are reasonably protected.

#### **6.0 School Year Calendar**

- A. The Charter School shall provide instruction for a minimum of one hundred eighty (180) school days or its equivalent as defined by Florida Statutes.
- B. The start date and academic term calendar for the Charter School shall be consistent with that of the Sponsor annually, unless otherwise agreed by both parties in writing.

#### **7.0 Current Incoming Baseline Standard of Student Academic Achievement and Methods of Measurement**

Describe in detail your method for assessing at each grade level the current

incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. Include a detailed description for each of the following:

**A. How the baseline student academic achievement levels and prior rates of academic progress will be established;**

As a charter renewal, the baseline data consists of the data collected over the past 5 years using EDW reporting.

**B. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the Charter School; and**

Past and current data will be monitored and analyzed regularly by administration and instructional personnel to determine individualized learning needs using (currently) EDW reporting system.

**C. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.**

Sponsor will continue to provide comparison reports with similar public schools through EDW data reporting which will be used by school for improvement planning.

## **8.0 Participation in District and Statewide Assessment**

- A. The Charter School shall ensure that all students enrolled in the Charter School be required to take all applicable State Standardized tests consistent with the Sponsor's Student Progression Plan. The Charter shall be responsible for administering said tests properly and in accordance with State and Federal Law.
- B. The Sponsor agrees to provide the Charter School with a listing of all District and State assessment tests and an annual calendar identifying test administration dates. The Sponsor reserves the right to send proctors to the Charter School during State assessment days to ensure test security and to monitor the processes used in test administration to ensure the integrity of the testing and assessment program of the Charter School.
- C. In addition to applicable State Standardized tests, the Charter School may select and administer other appropriate standardized tests to facilitate educational planning/evaluation of its goals.
- D. All testing shall be conducted according to security rules in test manuals, Florida Statute, and Charter 6A-10.042 State Board Rules of Education. If testing procedures are violated by the school staff, the Charter School will pay the Sponsor for the Sponsor's costs of investigating the violation and of administering and scoring a different version of the test.



- E. Exceptional student Education (ESE) students' Individual Education Plans (IEPs) will document the type of assessment to be given (regular or alternate) and if accommodations are needed.
- F. An active Section 504 student's individual 504 Plan will document any accommodations to standardized testing that are needed.
- G. An active student's individual ELL Plan will document any accommodations to standardized testing that are needed.
- H. Results of District and State assessments shall be reported separately for the Charter School and used to report academic performance.

#### **9.0 Graduation and/or Promotion Requirements**

- A. The Charter Schools serving high school students shall assure compliance with the method for determining graduation requirements pursuant to Section 1008.25, F.S., and that students meet all graduation requirements as defined in Section 1003.43, F.S.
- B. The Charter School shall follow the Sponsor's report card distribution calendar. A copy of the report card, attached as Exhibit N.
- C. The Charter Schools serving high school students will award diplomas, Certificates of Completion, special diplomas for ESE students when indicated on a student's IEP, and State of Florida Certificates for General Education Development (GED) in conjunction with the Sponsor's GED program, or a combination thereof.
- D. Graduation and promotion requirements are contained in the Sponsor's Student Progression Plan, as attached hereto in Exhibit B. Graduation requirements apply to high schools only.

#### **10.0 Code of Student Conduct**

- A. The Code of Student Conduct for the Charter School shall include student discipline policies, Zero Tolerance Federal Gun Free School Zone Act, suspension criteria, procedures, appeal and due process as required by State and Federal laws. The Charter School shall utilize the District's Code of Student Conduct and Dismissal Policy, which is appended hereto as Exhibit C incorporated herein by this reference. If any provision of this Charter is inconsistent with Exhibit C, the provisions in this Charter School Agreement shall prevail.
- B. The Code of Student Conduct for the Charter School shall comply with requirements of District, State, and Federal laws. The Charter will adhere to State and Federal laws in so far as each student will be afforded "Due Process," e.g., notice and an opportunity to be heard.
- C. The Charter School shall be responsible for all matters relating to student discipline. The Sponsor will only hear appeals relating to expulsion of a student by the Sponsor. The Charter School shall comply with any and all State, Federal and

Local laws.

- D. The Charter School agrees to implement and adhere to procedures for discipline of ESE students as outlined in administrative directives and comply with requirements for the Individuals with Disabilities Education Act.
- E. Compliance with the Sponsor's Section 504 policies and procedures specific to manifestation determination and discipline issues for students with active 504 Plans will be met.
- F. Students may be recommended for expulsion by the Charter School Governing Board. Any such recommendation must be submitted to and approved by the Sponsor in accordance with Sections 1003.01 (6) and 1006.07, F.S.
- G. The Charter School agrees to maintain a safe learning environment at all times ensuring the health, safety, and welfare of all students attending.

#### **11.0 Nature of Parental Involvement**

- A. **[Describe how your Charter School plans to involve parents/guardians in their child's education. The plan must include the use of District's parent survey. Results will be compiled by the Sponsor and issued in a report to the Charter School]**

Academy for Positive Learning will foster an environment conducive to strong teacher/family relationships. Teachers and families get to know each other in greater depth through the intake interview process, formal and informal ongoing communication, and the school's commitment to family participation. There is often more than one sibling in a program. Parents become much more involved in classrooms. Much more bonding occurs between teachers and parents.

Parents who wish to have their child enrolled must sign a contract with the school declaring willingness to participate and be involved in classroom and school activities. Each family will be encouraged to commit to at least 40 volunteer hours annually.

To involve parents/guardians and the community in the governance of the school everyone will be encouraged to be involved on many levels. At least one parent will be encouraged to sit on the Board of Directors. Parents will be encouraged and expected to volunteer time at the school, attend Board meetings, participate in Presentations of Learning and to assist in establishing partnerships in the community. Parental communication will be the cornerstone of the partnership the school intends to establish with each parent. From the Governing Board to the Principal to administrative staff and instructional staff, all those employees involved in the education of the children will be communicating with parents through face-to-face meetings, phone calls, newsletters, report cards, Presentations of Learning, electronic communications, board meetings, and other means. The Charter School will utilize the District's end of year annual climate survey.

- B. Parental complaints from any and all sources will be documented along with their resolution/response, in the child's working file.
- C. Parent/student contracts cannot include provisions for mandatory dismissal during the school year.

## **PART II: STUDENT SERVICES**

### **12.0 Criteria for Admission**

- A. **[Please describe in detail the criteria for admission.]**

Academy for Positive Learning shall enroll any eligible student who submits a timely application, unless the number of applications exceeds the capacity of the program, class, grade level or building. If that occurs, students will be granted admittance based on a lottery system. It will not violate the applicable anti-discrimination provisions found in federal and state statutes. Enrollment preference will be given to a sibling of a student enrolled in the school or a child of a staff or board member. Students with disabilities and students served in ESOL programs shall have an equal opportunity for enrollment. Students may withdraw from the school at any time and enroll in another county public school or district in which they reside.

- B. The Charter School shall not enroll any student who is under a current term of suspension or expulsion.
- C. The Charter School shall project annually, the number of Full Time Equivalent (FTE) students and the Florida Education Finance Program (FEFP) category that the Charter School will serve each year. Enrollment projections will be capped or limited based upon the availability of space of the Charter School in a grade level, classroom, facility, and location.
- D. The Charter School enrollment period shall begin on **[Insert Day/Month/Year]** May 1, 2009 and end on **[Insert Day/Month/Year]** July 15, 2009. During the established enrollment periods, the Charter School will accept applications from parent(s) or guardian(s) for enrollment of eligible students, according to the criteria set forth in this Charter.

### **13.0 Enrollment Procedures**

- A. The Charter School is subject to compliance with the entry, health examinations, and immunizations section of Section 1003.22, F.S.
- B. **[Please describe in detail student enrollment procedures.]**

Eligible students must complete a registration form and application packet prior to acceptance. Returning students must have completed family volunteer commitments the prior year in order to register for following school year. New registrations will be date received stamped and openings will be filled on a first come basis until July 1<sup>st</sup>. If more applications are received than openings prior to July 1<sup>st</sup> of each school year, a lottery will be used to fill openings by grade level. All additional registrations submitted after July 1st will be placed on a first come first served basis. Lottery will be completed and parents informed of status by July 15<sup>th</sup>.

- C. The parent(s) or guardian(s) must complete and sign an application form which must include, but not be limited to, the following:
  - 1. The student's name, social security number, date of birth, place of birth, race, local and mailing address, telephone number, verification of birth, last school attended, Home Language Survey, health screening requests for vision, hearing, and fluoride;
  - 2. The parent's or guardian's name(s), local and mailing address, and telephone number; and
  - 3. Documentation of eligibility criteria as outlined in the Charter.
- E. The Charter School may enroll students who meet the eligibility criteria under this Charter by accepting a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.
- F. Siblings of students enrolled in the Charter School, children of employees of the Charter School, and children of members of the Governing Board of the Charter School may be given preference during the enrollment and selection process provided they meet the eligibility criteria.
- G. The Sponsor shall transfer a student's cumulative record, including all disciplinary records, to the Charter School upon enrollment. The Charter School shall comply with the Federal Educational Right to Privacy Act (FERPA), HIPPA and any other applicable laws and State and federal regulations pertaining to student and medical record confidentiality.
- H. The Charter School may not target a student population other than the one approved by the Sponsor.
- I. Students with disabilities who are enrolled in the Charter School shall be provided programs that fully comply with all the requirements of IDEA and any other applicable Federal or State law. School shall, at its own cost and expense and not that of the Sponsor, ensure that all due process requirements are complied with, shall ensure that there are legally compliant educational assessments of the needs of the students and shall remain liable for full and complete adherence to all such requirements. The School must fund all educational and related services provided to students pursuant to



the IEP and will earn funding in accordance with Section 1002.33, F.S. and/or others. Psychological and other appropriate re-evaluations are the responsibility of the Charter School. The Charter School will utilize all of the Sponsor's forms and procedures related to pre-referral activities, referral, evaluation, and re-evaluation for ESE eligibility, IEP development, and placement. The Charter School will schedule and conduct IEP meeting pursuant to 34 CFR 300.340-300.350 for each eligible ESE student enrolled in the Charter School. The Charter School shall ensure that appropriate personnel are in attendance at IEP meetings.

- J. The Charter School shall provide ESE services as documented on the IEP. In the case of a parent choosing a Charter School that cannot implement the student's IEP as presented, an IEP meeting must be convened before the student is enrolled in the Charter School. The IEP committee must review/revise the IEP and determine the student's educational needs. The committee must clearly determine how the student's needs will be met at the Charter School.
1. If it is determined by the IEP committee that the student has needs that cannot be met at the Charter School, the IEP committee will focus on the appropriate placement for the student.
  2. The Sponsor shall be responsible to ensure that the needs of ESE students are being met. Therefore, the District staff shall have access to view, review, copy, retrieve, request, and/or recover the ESE files at the Charter School with reasonable notice for purposes of oversight and monitoring.
  3. The Charter School must provide related services documented on IEPs, i.e. speech/language services through a contract process.
  4. The Charter School must hire an appropriate number of ESE certified teachers to provide ESE services. The Sponsor must be notified immediately by the Charter School in the event that the certified ESE teacher is no longer employed or providing services to ESE students as required in their IEPs.
  5. A certified ESE teacher must maintain written documentation of consultative services for any student whose IEP indicates consultative services.
  6. Describe in detail how ESE services will be delivered to eligible students and attach the description as Exhibit O.
- L. Parents of students with disabilities shall be afforded notice of procedural safeguards in their native language, as provided by the Florida Department of Education.
- M. Charter Schools will adhere to the Sponsor's guidelines for transferring and transitioning Exceptional Student Education (ESE) students to Charter Schools from District schools or from the District's schools to Charter.
- N. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (Section 504/ADA) eligibility must be determined for any student with a

documented physical or mental impairment. If a student is eligible, 504/ADA modifications to the existing curriculum must be reflected either on the Individual Educational Plan developed and implemented by the Charter School or on the Sponsor's Section 504/ADA form. This process shall be in compliance with state and federal laws. Any educational modifications provided to a student pursuant to the 504/ADA plan must be funded by the Charter School.

- O. Students, including students with disabilities, enrolled at the Charter School who are limited English proficient will be served by ESOL-endorsed personnel. The Charter School will follow the Sponsor's Plan for limited English proficient students.
- P. An individual English Language Learners (ELL) Plan must be developed for every student identified as limited English proficient. With the exception of an IEP, an ELL Plan shall supersede any other educational plan developed by the Charter School. Development of the ELL Plan must be a joint effort between the Sponsor and the Charter School. This process shall be in compliance with District, State, and Federal guidelines. All educational services provided to a student pursuant to an ELL Plan must be funded by the Charter School.
- Q. Unless otherwise exempted by Section 1002.33, F.S., the Charter School will complete federal and state reports in accordance with the timelines and specifications of the Sponsor and the Florida Department of Education. The Sponsor shall use its best efforts to put the charter school on reasonable notice for reports due.
- R. Enrollment is subject to compliance with the provisions of Section 1003.22, F.S., regarding school-entry health examinations and immunizations against communicable diseases, school attendance requirements, and exemptions.

#### **14.0 Student Transfers, Withdrawals, and Dismissals**

- A. Parents/Guardians may withdraw a student from the Charter School at any time. The student will be assigned to his/her area school in accordance with his/her Study Area Code (SAC). The Charter School may withdraw a student involuntarily for failure to maintain eligibility standards or for violation of the Student Conduct Code.
- B. The Charter School may refer students to a District-funded alternative education program utilizing the Sponsor's procedures.
- C. In the event that a student has been recommended to the School Board for expulsion by the Governing Board of the Charter School, the Charter School is responsible for providing academic and behavioral interventions for the student while awaiting the School Board's decision on the student's expulsion.

#### **15.0 Marketing and Recruitment Plan**

- A. **[Describe how you plan to recruit students for your program.]**

Academy for Positive learning will provide public information and conduct

recruiting through open houses, direct mailings, media and presentations at feeder schools with permission from the principal and without disruption to the functioning of the school. Staff and students will attend recruiting and marketing seminars at the local public and private middle schools when available. The school will participate in district sponsored Choice Program and magnet school fairs and utilize other community resources as additional marketing opportunities. The school may host luncheons for area feeder school guidance counselors and well as School Open Houses for potential students on a regular basis.

School tours will be conducted regularly by staff personnel and senior students. We also believe word of mouth has been our biggest marketing tool to date.

The Charter School may provide appropriate information to public agencies whose responsibilities include services for youth. We also will advertise in the local Spanish newspapers and circulars as our location is more centralized in the Spanish population. We are members of the Lake Worth Chamber of Commerce and advertise our services and curriculum throughout the business community.

The Charter School also provides brochures to public school principals in the immediate area which describes our program; however, no Charter School representative or employee shall visit a school site or distribute materials to school employees, students, or parents on the school site without obtaining permission from the school principal.

- B. The Charter School may provide public information in English and other languages through open houses, area libraries, community and recreation centers, direct mailings, and media.
- C. The Charter School shall respond to all legal requests for information about the Charter School, its programs, or status.
- D. The Charter School shall strictly comply with Chapter 119, F.S. and shall provide public records upon request. The Charter School is strictly prohibited from entering into any agreement, including but not limited to confidentiality agreements, with a third party that would tend to limit or restrict the Charter School's obligations under Chapter 119, F.S. The release of public records shall not violate the confidentiality of student records protected by the Family Educational Right to Privacy Act (FERPA), HIPPA, and Florida Medical Record Statutes and must conform to other applicable laws.
- E. The Charter School shall provide appropriate information to public agencies whose responsibilities include services for youth.
- F. The Charter School may provide brochures to public school principals describing its program. No Charter School representative or employee shall visit a school site or distribute materials to school employees, students, or parents on the school site without obtaining permission from the school principal.

## 16.0 Student Reporting

- A. The Charter School agrees to report its students to the Sponsor as required in Section 1011.62, F.S., in accordance with the definitions in Section 1011.61, F.S., so that the Sponsor can report student enrollment.
- B. If the Charter School submits data relevant to FTE funding that is later determined through audit procedures to be inaccurate, the Charter School shall be responsible for any reimbursement to the Sponsor or state for any errors or omissions.
- C. The Charter School should input student data on the Sponsor's reporting system on a regular basis to ensure accurate and current student data.

## PART III: FINANCIAL MANAGEMENT

### 17.0 Proposed Budget

- A. The detailed projected Charter School start-up budget, covering only the planning and capital expenses necessary **before** school opening, is attached as Exhibit E. – **Not Applicable**
- B. The detailed projected Charter School 5 year budget, covering all projected sources of revenue both public and private, and planned expenditures, is attached as Exhibit K. No budgets will be approved with a negative fund balance for any projected year.

### 18.0 Revenue

- A. The Sponsor agrees to fund the Charter School in accordance with Section 1002.33, F.S., as it may from time to time be amended. The current basis of the funding shall be the sum of the Sponsor's operating funds from the Florida Education Finance Program (FEFP) as provided in Section 1011.62, F.S. and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the Sponsor's current operating discretionary millage levy; divided by the total funded weighted full-time equivalent students (WFTE) in the Sponsor's School District; multiplied by the weighted full-time equivalent students for the Charter School. Charter schools whose students' or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds, including in the total funds available in the FEFP by the Legislature, including transportation. Total funding for the Charter School shall be recalculated during the year to reflect the revised calculations under the FEFP by the state and the actual weighted full-time equivalent students reported by the Charter School during the full-time equivalent student survey periods designated by the Commissioner of Education.
- B. As permitted by section 1002.33(20)(a), F.S., the total administrative fee charged by the Sponsor to the Charter School shall be five percent (5%) of the available revenue as described in 18.0(A). However, a sponsor may only



withhold up to a 5-percent administrative fee for enrollment for up to and including 500 students. For charter schools with a population of 501 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2). The five percent (5%) will be held back from the available revenue. The administrative fee is for both the direct and indirect administration of the Charter, including processing the application and the academic and financial monitoring required of the Sponsor by law.

The Sponsor will charge the Charter School for other services agreed upon by both parties. [Transportation, auditing, payroll, food services, educational and related services for ESE students, IEP processing, and expenses related to due process hearings, are examples of other services that may be negotiated.]

- C. The Charter School shall project annually, the number of Full-Time Equivalent (FTE) students and the Florida Education Finance Program (FEFP) category that the Charter School will serve each year. Enrollment projections will be capped or limited based on the availability of space of the Charter School in a grade level, classroom, facility, and location.
- D. A Charter School's first three monthly allocations will be based on the Charter School's FTE projection. Thereinafter, monthly allocations will be paid as stated in subparagraph L.
- E. The Charter School agrees that it will submit information specified in Section 1010.20, F.S. in a timely manner to the Sponsor. Failure to timely submit said information shall constitute "good cause" basis for termination of this Charter.
- F. The Charter School shall be entitled to its proportionate of the applicable categorical program funds included in the total funds available in the FEFP by the Legislature. The Charter School shall document that funds received were expended for the purpose established by the State Legislature.
- G. For funding purposes, the Charter School will be eligible for the FEFP, categoricals, grants and any other funding pursuant to the legislative distribution formula.
  - Class Size Reduction
  - Compression Adjustment
  - Declining Enrollment
  - Discretionary Lottery
  - Discretionary Mileage
  - Food Service
  - Hold Harmless
  - IDEA funding
  - Instructional Materials Allocation
  - Public School Technology
  - Public School Transportation
  - Safe Schools Allocation

- Sparsity Supplement
  - Supplemental Academic Instruction
  - Title I
  - Other FEFP allocations as may apply and become available during the Charter period
- H. In any program or services provided by the Sponsor which are funded by federal or State grants, and for which funds follow the eligible student, the Sponsor agrees, upon adequate documentation from the Charter School that the same level of service will be provided, to distribute these funds to the Charter School as required by Federal or State law. Charter Schools, which receive Title I funds are required to submit a Title I Plan. The appropriate department must approve the Title I Plan. Failure to submit an approved Title I Plan will result in the withholding of monies until a suitable plan is approved.
- I. The Sponsor will provide to the Charter School any and all available information relevant to changes in the Sponsor's funding that may impact the Charter School's funding.
- J. The Sponsor shall fund the Charter School based on funded FTE as set forth in this section. The Sponsor shall make monthly payments beginning in July.
- K. Sponsor shall make timely and efficient payment and reimbursement to the Charter School. If the warrant for payment is not issued within ten (10) working days after the Sponsor receives funding from the state, the Sponsor shall pay the Charter School interest at the rate of one (1%) percent per month calculated on a daily basis on the unpaid balance from the expiration of the ten (10) working days until the warrant is issues,
- L. For the first year of this Charter Agreement, monthly payments will be calculated as follows:
1. **July through September** will be based on the Charter School projected FTE revenue divided by twelve (12);
  2. **October through November** will be based on the Charter School's eleventh day count FTE enrollment for the fiscal year divided by twelve (12) and adjusted retroactively for prior payments during those months;
  3. **December through March** will be based on actual October and projected February FTE revenue divided by twelve (12) and adjusted retroactively for prior payments; and
  4. **April through June** shall be based on actual October, and actual February FTE revenue, divided by twelve (12) and adjusted retroactively for prior period adjustments.

For the second year and following years of the Charter Agreement, monthly payments will be calculated as follows:

1. **July through September** will be based on the Charter School's average FTE for the prior fiscal year, divided by twelve (12);
2. **October through November** will be based on the Charter School's eleventh day count FTE enrollment for the fiscal year divided by twelve (12) and adjusted retroactively for prior payments during those months;
3. **December through March** will be based on actual October and projected February FTE revenue divided by twelve (12) and adjusted retroactively for prior payments; and
4. **April through June** shall be based on actual October, and actual February FTE revenue, divided by twelve (12) and adjusted retroactively for prior period adjustments.

If in future years the Charter School significantly increases its enrollment (to be defined as increased enrollment which necessitates hiring additional employees and/or changing and/or expanding Charter School facilities), the funding for the months of July through September for that fiscal year will be based on the Charter School projected FTE revenue divided by twelve (12).

- M. The Charter School shall have the option to operate associated summer Charter School for qualified students and receive any state funding that may be available for that purpose.
- N. The Charter School further agrees that it shall not levy taxes or issue bonds secured by tax revenues nor charge any State tuition or fees to students enrolled in an FEFP funded program in any grade through twelve.
- O. The Charter School shall provide student transportation consistent with the requirements of Sections 1006.21 through 1006.27, F.S. The Charter School may contract with the Sponsor, parents, and/or a private provider to provide transportation.
- P. The Charter School may secure funding from private foundations, corporations, businesses and/or individuals.
- Q. The Charter School may submit applications and secure funding for any Requests for Proposal issued by a Federal, State, or local public agency.
- R. If the Charter School submits data relevant to FTE funding that is later determined through audit procedures to be inaccurate, the Charter School shall be responsible for any reimbursement to the Sponsor for any errors or omissions. Should the Sponsor receive notice of an FTE funding adjustment, which is attributable to error or substantial noncompliance by the Charter School, the Sponsor shall deduct such assessed amount from the next available payment otherwise due the Charter School. In the event that the assessment is charged near the end or after the term of the Charter School Agreement where no further payments are due to the Charter, the Sponsor shall provide prompt notice to the Charter School and receive reimbursement within thirty (30) days.

- S. The Charter School shall have access to the Sponsor's buying power by accessing purchasing contracts with various outside vendors including state contacts. This would include any educational discounts offered by outside vendors. The credit terms of such purchases must be agreed to by the Charter School and the vendor. Off-adoption materials are available at no cost on a limited basis the same as other items that are District surplus.
- T. The Charter School shall have access to the Palm Beach County School District (PBCSD) Instructional Materials Depository. The Sponsor's procedures will apply for ordering/accountability if the Charter School chooses to purchase through the District Instructional Materials Department. Off-adoption materials are available at no cost on a limited basis the same as other items that are District surplus.
- U. The Charter School may be eligible for school capital outlay funding as per Sections 1002.33 (20), and 1013.62, F.S. Prior to the release of capital outlay funds from the Sponsor to the Charter School, the Charter School must provide the Sponsor a capital outlay plan with proposed capital expenditures. If the Charter School is non-renewed or terminated, any unencumbered funds and all equipment and property purchased with public funds shall revert to the ownership of the Sponsor as provided for in Section 1002.33 (8) (e) (f), F.S.
- V. This Charter School Charter will be adjusted to reflect any changes in future legislation that may affect Charter Schools, including but not limited to, funding allocations.

#### **19.0 Funding and Financial Requirements**

- A. The Charter School shall be responsible for its own debts and shall not pledge the full faith and credit of the Sponsor in regard to any debt. The Charter School shall not cause or permit any lien or other claim to attach any real or personal property owned by the Sponsor and shall promptly, at its own cost and expense, including, without limitation, attorneys fees at all levels of litigation, cause any such lien or claim of record to be removed and cancelled. Failure of Charter School to comply with requirement shall be grounds for terminating the Charter.
- B. Financial records will be maintained by the Charter School as provided for in the manual, *Financial and Program Cost Accounting and Reporting for Florida Schools* and District Chart of Account.
- C. Failure to comply with this section shall be considered good cause for termination or non-renewal of this Charter.

#### **20.0 FTE Enrollment Verification Process**

- A. The Charter School shall report its student enrollment to the Sponsor in accordance with Section 1011.60, F.S. and policies and procedures. The Sponsor shall include the Charter School's enrollment in the Sponsor's report of student enrollment.
- B. The Charter School accepts responsibility for delivering final projected FTE by program for the Charter School to the Director of School Support and Instructional Computing in the Division of Information Technology for the next year prior to



**December 1** of each year. The Charter School accepts responsibility for delivering actual FTE for each applicable FTE survey period in accordance with the Sponsor's guidelines for FTE reporting. The Charter School accepts the responsibility and will purchase the equipment necessary for the entry of data on the Sponsor's Student Database to ensure accuracy and accountability of FTE data collection.

- C. The Charter School shall maintain all manual and/or automated records required to support the earning of each FTE reported. This includes, but is not limited to, all data required by the Florida Department of Education, Auditor General, Special Programs, ESE, Vocational and Basic program audits, and includes the **December 1** Child Count Data.
- D. The Sponsor reserves the right to inspect the FTE records of the Charter School to ensure compliance with state reporting requirements. The Sponsor may audit FTE and supporting documentation. Any discrepancies will be cause for adjustment to subsequent payments. Any loss of funds as a result of actual FTE/Financial or Program audit or findings of the Auditor General is the sole responsibility of the Charter School. Amounts lost, as determined by the Sponsor's Chief Financial Officer or findings of the Auditor General, will be automatically deducted from the next payment.

#### **21.0 Internal Financial Controls and Audit Process**

- A. In order to provide comparable financial information, Charter Schools shall maintain all financial records in accordance with the accounts and codes prescribed in the most recent issuance of the publication titled *Financial and Program Cost Accounting and Reporting for Florida Schools and District Chart of Account*. Charter Schools shall provide annual financial reports and program cost report information by **July 31** in the state-required formats for inclusion in District reporting in compliance with Section 1010.20, F.S., and 6A-1.0071, FAC. The financial statements are to be prepared in accordance with *Generally Accepted Accounting Principles* using governmental accounting, regardless of corporate structure.
- B. The Charter School shall include all accounting and reporting policies, procedures, and practices for maintaining complete records of all receipts and expenditures. A copy of these policies must be included with this Charter as Exhibit S.
- C. Within thirty (30) days of every month end, the Charter School shall provide to the Sponsor reconciliations of all bank accounts. A copy of the entire bank statement, copy of cancelled checks, and detailed general ledger cash accounts must be attached to the bank reconciliation. Charter Schools must be used District standard format.
- D. On or before **October 31, January 31, and April 30** of each fiscal year, the Charter School shall provide to the Sponsor the quarterly financial statements and actual vs. budget analysis for the quarters ended **September 30, December 31 and March 31**, respectively. These Financial Statements shall include an unaudited Statement of Net Assets and a Statement of Activities. These reports

must be prepared in accordance with *Generally Accepted Accounting Principles* using governmental accounting as stated in Section 21.0A of this Charter.

- E. Unaudited **June 30** year-end financial statements shall be submitted to the Sponsor by **July 31**. These financial statements must be prepared in accordance with *Generally Accepted Accounting Principles* using governmental accounting as stated in Section 21.0A of this Charter.
- F. The Charter School shall be subject to review and oversight by the Sponsor when any one of the following conditions occurs:
  - (a) Failure within the same fiscal year in which due to pay short-term loans or failure to make bond debt service or other long-term debt payments when due, as a result of a lack of funds.
  - (b) Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds.
  - (c) Failure to transfer at the appropriate time; due to lack of funds:
    - 1. Taxes withheld on the income of employees; or
    - 2. Employer and employee contributions for:
      - a. Federal social security; or
      - b. Any pension, retirement, or benefit plan of an employee.
  - (d) Failure for one pay period to pay, due to lack of funds:
    - 1. Wages and salaries owed to employees; or
    - 2. Retirement benefits owed to former employees.
- G. The Charter School agrees to submit to and pay for an annual financial audit in compliance with Federal, State and School District regulations showing all revenue received, from all sources, and all expenditures for services rendered. The audit shall be conducted by an independent certified public accountant selected by the Charter School who must demonstrate experience in educational governmental accounting, and shall be delivered to the Sponsor by **September 30**. The annual contract (engagement letter) for the audit must be delivered to the Sponsor no later than **July 31**. The Charter School further agrees to provide the Sponsor with a copy of the management letter, as well as any responses to the auditor's findings, by **October 31**. Financial audits that reveal a state of financial emergency as defined in section 218.503, Florida Statutes, shall be provided to the Governing Board of the Charter School within seven (7) working days after finding that a state of financial emergency exists. The Charter School must file a detailed financial recovery plan to the Sponsor by **October 31**. The Sponsor reserves the right to perform additional audits as part of the Sponsor's financial monitoring

responsibilities as it deems necessary. In the event that the Charter School ceases operation, is dissolved, or is otherwise voluntarily or involuntarily terminated, the Charter School remains responsible to submit to and pay for an annual audit, including for the final year of operation. Failure to comply with the requirements above shall constitute "good cause" basis for termination of this Agreement.

- H. The parties agree that the Sponsor, with ten (10) days notice, may reasonably request at any time and the Charter School shall provide, documents on the Charter School's financial operations beyond the monthly reports required by this Charter, provided such requests are based on sound and reasonable circumstances that dictate additional reports beyond the monthly reports required by this Charter. Such reports shall be in addition to those required elsewhere in this Charter.
- I. Within thirty (30) days of every month's end, the Charter School shall provide to the Sponsor cash flow statements. Within thirty days (30) days of every month's end, the Charter School shall provide to the Sponsor monthly detailed general ledger reports. Charter Schools must submit within thirty (30) days of the end of the quarter, and inventory of acquired assets and a reconciliation of the fixed assets accounts on the required District forms by **September 30, December 31, March 31, and June 30.**
- J. In the event the Charter School ceased operation or is dissolved, or this Charter is not renewed or is otherwise terminated, any public unencumbered funds of the Charter School shall revert to the Sponsor. In that event, all of the Charter School's property and improvements, furnishings and equipment purchased with public funds shall be peacefully delivered to the Sponsor and automatically revert to full ownership by the Sponsor. If the Charter School's accounting records fail to clearly establish whether particular assets were purchased with public funds or attached to or incorporated in real or personal property of the Sponsor, however funded and whether approved by the Sponsor or not, that cannot be removed from the Sponsor's property without damage to the Sponsor's property, shall become the property of the Sponsor. In such event, the Sponsor shall have no obligation to reimburse or pay the Charter School, its Governing Board, the vendor or donor of the property or anyone else, for any such improvement, attachment or incorporated item and the Charter School shall ensure that all contracts entered into by the Charter School must contain written notice of such.

The Charter School agrees that, in the event any public funds received by the Charter School from or through the Sponsor are used to purchase or improve real property that any unencumbered funds and all equipment and property purchased with public education funds reverts to the ownership of the Sponsor upon termination or non-renewal of this Agreement. The reversion of such equipment, property, and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations.

- K. The Sponsor has the right to review and audit, upon request, all financial records

of the Charter School to ensure fiscal accountability and sound financial management pursuant to Section 1002.33 (9)(g), F.S.

- L. If a dispute or conflict relating to any financial or compliance audit of the Charter School should arise, both parties, jointly, may request in writing technical assistance from the Florida Department of Education.
- M. The Charter School shall obtain the services of a qualified accountant to assist in compiling and maintaining financial records, reconciling bank statements, preparing financial reports, and obtaining an annual audit. On or before **July 1** of each fiscal year, the Charter School shall provide to the Sponsor a copy of the contract for such services. If the accountant is an employee of the Charter School, a memorandum stating that fact along with a copy of the accountant's resume shall be forwarded to the Sponsor upon hiring.
- N. If a Charter School is deemed to be operating at a negative fund balance, the Sponsor shall take any and all necessary steps to determine if the Charter School will be allowed to continue to operate in such a manner.
- O. All disbursements, above an established and approved minimum threshold, of the School must contain two authorized signatures. The Governing Board must review and approve a disbursement report at board meetings. No check may be payable to either of the signatories. The Charter School may establish a threshold amount for those checks that may contain one signature. The threshold must be included in the Charter School's Accounting and Reporting Policies and Procedures as set forth in Section 21, subparagraph (b) of this Charter and approved by the Sponsor.
- P. The governing board of the Charter School shall annually adopt and maintain an operating budget. This annual budget must be signed as reviewed and approved by each member of the governing board and submitted to the Sponsor by **July 1**.

#### **PART IV: OPERATIONS**

##### **22.0 Method of Providing for Safety of Students and Employees in Case of Health Hazard, Fire, Natural Disaster, or Emergency**

- A. The Charter School shall fully complete and timely submit to the District the "Opening of School Checklist" a copy of which is attached as Exhibit R on or before June 30<sup>th</sup> of each calendar year of operation.
- B. The safety of students and employees shall be a prime responsibility of the Charter School.
- C. The Charter School shall develop and implement a Crisis Response Plan for each facility and classroom. Safety and emergency procedures shall be posted in all Charter School facilities.
- D. The Charter School will arrange for all teachers and staff to receive inservice training on approved safety and emergency procedures. Drills should be held at



unexpected times and various conditions.

- E. The Charter School shall hold and document emergency evacuation drills at least ten (10) times per year with at least two (2) drills within the first ten (10) days of school. Two tornado drills are required annually. One drill should be scheduled during September and the second drill should coincide with the annual tornado drill conducted by Emergency Management. Such drills shall include preparations for fire, natural disaster, health hazard and other emergencies.
- F. The Emergency Fire/Tornado Drill Report must be submitted by December 15 and May 30 of each fiscal year. The School agrees to strictly comply with all of the requirements stated in the Drill and Alarm and Compliance Testing Report, a copy of which is attached hereto as Exhibit P.
- G. In the event of a fire, students and employees shall be evacuated from the building. Students and employees shall be evacuated to assigned locations at least five hundred (500) feet from the building. The fire department and police shall be notified. Charter School administrators shall notify students and employees when and if it is safe to return to the building. Parents shall be notified as soon as possible.
- H. In the event of a natural disaster, portable buildings shall be evacuated and students and employees moved to a permanent building.
- I. Parents shall be notified of the location and advised as to when their child may be transported to their residence or when parents could arrange for transportation of the student.
- J. In the event of a health hazard, the county health department shall be notified.
- K. In all emergency situations, Charter School officials shall take all precautions necessary to protect the health and safety of the students and other employees
- L. The Charter School shall comply with all applicable Federal, State and Local laws, rules and codes pertaining to this section.
- M. The Charter School shall have appropriate equipment in the event a child is ill, including a place to lie down, one refrigerator, and a locked medicine cabinet.

### **23.0 Facilities**

- A. A Charter School shall utilize facilities which comply with the Florida State-Uniform Building Code pursuant to Chapter 553, F.S., except for the State Requirements for Educational Facilities. The local governing authority shall not adopt or impose local building requirements or restrictions that are more stringent than those found in the Florida Building Code. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy shall be the local municipality or, if in an unincorporated area, the county governing authority.
- B. The Charter School agrees to use or construct appropriately approved facilities located in Palm Beach County. The Sponsor is not obligated to lease District

facilities to the Charter School.

- C. Upon promulgation, Charter School facilities shall utilize facilities, which comply with the *Florida Building Code*, pursuant to Chapter 553, F.S. and the *Florida Fire Prevention Code*, pursuant to Chapter 633, F.S.
- D. The Charter School is responsible for the initiation and provision of inspections and an occupational license as required. All facilities, including leased facilities, must be inspected annually by a certified Fire Marshal or inspection specialist and the Palm Beach County Health Department. The Charter School must provide proof of the annual inspections to the Sponsor by **May 1** of each year of operation. Other inspections may be required as recommended by the Sponsor.
- E. Prior to entering into any lease agreement or purchase agreement, the Charter School shall provide the Sponsor with a copy of the deed, lease agreement ("Lease") or other legal instruments for review by the Sponsor. Furthermore, prior to changing facilities, the Charter School shall provide the Sponsor with notice.
- F. The Charter School will present proof of the appropriate facility certification (including all certificates that are required by applicable building codes) to the Sponsor no later than **May 15** prior to the first year of operation. If the Charter School does not have the appropriate certifications prior to August 1<sup>st</sup> or the initial opening day of classes in a different facility, the Charter School Charter shall defer opening.
- G. In the event the Charter School is dissolved or is otherwise terminated, all of the Sponsor's property and improvements, furnishings and equipment purchased with public funds shall be peacefully and promptly delivered to the Sponsor and shall automatically revert to full ownership by the Sponsor. Any property and improvements, furnishings, and equipment purchased from other funding sources which have not been reimbursed by public funds shall be the property of the Charter School should the Charter School Charter terminate or not be renewed. However, ownership of an asset will revert to Sponsor in the event of termination or non-renewal of the Charter School Charter if the Charter School's accounting records fail to clearly establish whether a particular asset was purchased with public funds from another source. Any assets existing at the time of termination or non-renewal of the Charter School Charter that have been funded by both funds described in this Charter, shall be equitably divided between the parties. Any disputes concerning such equitable division of assets shall be addressed through the dispute resolution provisions available through Section 1002.33, F.S., or Sections 31 and 32 of the Charter School Charter. The financial and auditing personnel and staff of the Sponsor and the Charter School shall cooperate in and coordinate the proper identification and sources of funding for the property and improvements, furnishings, and equipment purchased for the Charter School.
- H. The Charter School must provide notice to the Sponsor of any proposed material additions, changes, and renovations to be made to the Charter School facility, as